



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: February 17, 2010

Time: 7:00 p.m.

For information regarding this Agenda please contact:

**Randi Johl, City Clerk**  
**Telephone: (209) 333-6702**

**6:55 p.m. Invocation/Call to Civic Responsibility.** Invocations may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. Invocations are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

**C-1 Call to Order / Roll Call – N/A**

**C-2 Announcement of Closed Session – N/A**

**C-3 Adjourn to Closed Session – N/A**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action – N/A**

**A. Call to Order / Roll call**

**B. Pledge of Allegiance**

**C. Presentations**

C-1 Awards – None

C-2 Proclamations

a) Soroptimist International, "Saturday of Service," March 6, 2010

C-3 Presentations

a) Update by Hutchins Street Square Foundation on Fundraising Efforts for Community Center (COM)

**D. Consent Calendar (Reading; Comments by the Public; Council Action)**

D-1 Receive Register of Claims in the Amount of \$5,812,522.84 (FIN)

D-2 Approve Minutes (CLK)

a) February 2, 2010 (Shirtsleeve Session)

b) February 3, 2010 (Regular Meeting)

c) February 9, 2010 (Shirtsleeve Session)

D-3 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park – Electrical Improvements Phase I, 2350 South Lower Sacramento Road (PW)

D-4 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount and Padmount Transformers (EUD)

- Res. D-5 Adopt Resolution Rejecting Proposals for the White Slough Solar Demonstration Plant (EUD)
- Res. D-6 Adopt Resolution Approving Donation of Retired Self-Contained Breathing Apparatus and Surplus Turnouts to the Lodi Unified School District Regional Occupation Fire Science Technology Program (FD)
- Res. D-7 Adopt Resolution Approving Purchase of Transit Fare Collection Equipment from GFI GenFare, of Elk Grove Village, IL (\$279,843), and Appropriating Funds (\$300,000) (PW)
- Res. D-8 Adopt Resolution Awarding Contract for 2010 Alley Reconstruction Project to George Reed, of Lodi (\$226,454.40) (PW)
- Res. D-9 Adopt Resolution Awarding Contract for the Installation of Automated Residential Electric Meters to Republic ITS, Inc., of Novato, CA, and Appropriating Funds (\$109,945) (EUD)
- Res. D-10 Adopt Resolution Awarding Contract for the Replacement of Public Safety Radio Equipment to Delta Wireless & Network Solutions, of Stockton, under Homeland Security Grant Number 2008-0006 (\$362,734.18) (CM)
- Res. D-11 Adopt Resolution Authorizing the Lease Agreement Between the City of Lodi and the State of California, Acting By and Through its Director of General Services, with the Consent of the Military Department for the Use of the National Guard Armory Building (PR)
- D-12 Set Public Hearing for March 3, 2010, to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department (PW)
- D-13 Set Public Hearing for March 17, 2010, to Adopt Federal Fiscal Year 2010 Program of Transit Projects (PW)

**E. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**F. Comments by the City Council Members on Non-Agenda Items**

**G. Comments by the City Manager on Non-Agenda Items**

**H. Public Hearings**

- Res. H-1 Public Hearing to Receive Comments on the Lodi General Plan and Consider Adopting Resolution Certifying the Final Environmental Impact Report (CD)

**I. Communications**

- I-1 Claims Filed Against the City of Lodi – None
- I-2 Appointments – None
- I-3 Miscellaneous
- a) Monthly Protocol Account Report (CLK)

**J. Regular Calendar**

- J-1 Receive Report on Drinking Water Chlorination (PW)
- J-2 Consider the Following Actions Regarding the California High-Speed and Regional Rail Program: (CD)
  - a) Direct Staff to Prepare Letter Confirming City's Desire to Have Union Pacific Corridor Alignment Considered Through Lodi
  - b) Authorize Mayor to Send Letter Supporting Merced County's Request for High-Speed Rail Heavy Maintenance Facility at the Former Castle Air Force Base
- Res. J-3 Adopt Resolution Setting the City of Lodi Electric Utility Energy Efficiency Program 10-Year Target (EUD)

**K. Ordinances – None**

**L. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Randi Johl  
City Clerk



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Soroptimist International, "Saturday of Service," March 6, 2010

**MEETING DATE:** February 17, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Mayor Katzakian present a proclamation recognizing Soroptimist International, "Saturday of Service," being held on March 6, 2010.

**BACKGROUND INFORMATION:** The Mayor was requested to present a proclamation in recognition of Soroptimist International, "Saturday of Service" on March 6. A representative from Soroptimist International will be at the meeting to accept the proclamation.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None.

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager





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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Update by Hutchins Street Square Foundation on Fundraising Efforts for Community Center

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Ann Areida-Hintz, HSS Foundation Liaison

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**RECOMMENDED ACTION:** Receive update by Hutchins Street Square Foundation on fundraising efforts for Community Center.

**BACKGROUND INFORMATION:** Since 1979, the Hutchins Street Square Foundation has partnered with the City of Lodi to construct the Community Center at Hutchins Street Square. The Hutchins Street Square Foundation continues with its commitment to provide support, funds, and energy to maintain this unique facility.

John Ledbetter, Chair of the Hutchins Street Square Foundation, will make a presentation.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not applicable.

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James Rodems  
Community Center Director

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APPROVED: \_\_\_\_\_  
Blair King, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Register of Claims through January 28, 2010 in the Total Amount of \$5,812,522.84

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Financial Services Manager

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$5,812,522.84.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$5,812,522.84 through 01/28/10. Also attached is Payroll in the amount of \$1,223,154.76.

**FISCAL IMPACT:** n/a

**FUNDING AVAILABLE:** As per attached report.

\_\_\_\_\_  
Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Accounts Payable  
Council Report

Page - 1  
Date - 02/02/10  
Amount

As of Thursday	Fund	Name	Amount
01/28/10	00100	General Fund	1,152,976.40
	00120	Vehicle Replacement Fund	82.65
	00123	Info Systems Replacement Fund	5,634.73
	00160	Electric Utility Fund	3,832,141.19
	00164	Public Benefits Fund	8,669.23
	00166	Solar Surcharge Fund	26,780.00
	00170	Waste Water Utility Fund	11,097.20
	00172	Waste Water Capital Reserve	35,111.06
	00180	Water Utility Fund	5,359.77
	00181	Water Utility-Capital Outlay	135,754.95
	00210	Library Fund	4,341.70
	00211	Library Capital Account	1,033.95
	00234	Local Law Enforce Block Grant	64,696.30
	00260	Internal Service/Equip Maint	17,573.49
	00270	Employee Benefits	38,324.27
	00300	General Liabilities	4,422.00
	00310	Worker's Comp Insurance	45,127.87
	00321	Gas Tax	5,686.42
	00340	Comm Dev Special Rev Fund	672.60
	00345	Community Center	11,447.38
	00346	Recreation Fund	1,590.62
	00459	H U D	2,713.80
	00550	SJC Facilities Fees-Future Dev	1,284.56
	01211	Capital Outlay/General Fund	199,924.19
	01218	IMF General Facilities-Adm	20,142.16
	01241	LTF-Pedestrian/Bike	2,825.50
	01250	Dial-a-Ride/Transportation	143,022.24
	01410	Expendable Trust	32,002.83
Sum			5,810,439.06
	00184	Water PCE-TCE-Settlements	84.00
	00190	Central Plume	1,999.78
Sum			2,083.78
Total Sum			5,812,522.84

## Council Report for Payroll

Page - 1  
Date 02/02/10

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	01/24/10	00100	General Fund	722,117.27
		00160	Electric Utility Fund	163,468.56
		00164	Public Benefits Fund	5,354.43
		00170	Waste Water Utility Fund	87,432.81
		00180	Water Utility Fund	283.92
		00210	Library Fund	29,174.61
		00235	LPD-Public Safety Prog AB 1913	1,588.60
		00260	Internal Service/Equip Maint	21,627.19
		00321	Gas Tax	42,786.00
		00340	Comm Dev Special Rev Fund	21,730.51
		00345	Community Center	25,411.35
		00346	Recreation Fund	47,733.61
		01250	Dial-a-Ride/Transportation	6,889.67
Pay Period Total:				
Sum				1,175,598.53
Retiree	02/28/10	00100	General Fund	47,556.23
Pay Period Total:				
Sum				47,556.23



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Minutes  
a) February 2, 2010 (Shirtsleeve Session)  
b) February 3, 2010 (Regular Meeting)  
c) February 9, 2010 (Shirtsleeve Session)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) February 2, 2010 (Shirtsleeve Session)  
b) February 3, 2010 (Regular Meeting)  
c) February 9, 2010 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes marked Exhibit A through C.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, FEBRUARY 2, 2010**

**A. Roll Call by City Clerk**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 2, 2010, commencing at 7:01 a.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. Topic(s)**

**B-1 Second Quarter Fiscal Year 2009/2010 Water, Wastewater and Electric Utility Department Financial Reports (CM)**

City Manager King provided a brief introduction to the subject matter of the quarterly utility updates.

Deputy Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the Fiscal Year 2010 Water and Wastewater Quarterly Update. Specific topics of discussion included wastewater operating results, wastewater cash flow summary for operations, wastewater cash balances, water operating results, water cash flow summary for operations, water cash balances, and water/wastewater utility operational and regulatory accomplishments.

In response to Council Member Hansen, Mr. Swimley stated spills are generally related to grease overflows and manifest themselves onto streets in and around manholes.

In response to Council Member Hansen, Mr. Swimley stated some supplement of synthetics to the nitrogen is needed to even out the land to get the crops to grow. Mr. Swimley stated the biosolids report, along with a few other reports, are due annually while the monitoring and reporting requirements are done quarterly.

In response to City Manager King, Mr. Swimley stated the City is fully staffed at the White Slough facility in response to coverage inquiries for licensed plant operators from the city of Galt.

In response to Council Member Hansen, Mr. Swimley stated licensed staff is generally trained in-house although higher permit holder positions may be recruited.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated the increase of approximately \$1 million in wastewater undesignated reserves is a combination of funding not being specifically earmarked, infrastructure replacement, and rates.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated over the 12-month period there could be a \$2 million undesignated reserve that would be offset by the debt service for operation, which is \$2.3 million.

In response to Council Member Hitchcock, Deputy City Manager Jordan Ayers stated the current numbers are a snapshot of what is as of December 31 and the numbers cannot necessarily be doubled to project year-end numbers.

In response to Council Member Mounce, Mr. Ayers stated the water fund has nominal debt service, which is primarily covered by revenues in the fund.

Interim Electric Utility Director Ken Weisel provided a PowerPoint presentation regarding the Fiscal Year Electric Utility quarterly update. Specific topics of discussion included an overview, financial results, operating expenditures, power supply, power sales, billing statistics, Energy Cost Adjustment revenue, Northern California Power Agency (NCPA) general operating reserve, open position, and conclusion for power costs, revenues, reserves, and supply.

In response to Council Member Mounce, Mr. Weisel stated the current reserve amount is consistent with the current policy for the minimum reserve amount.

In response to Mayor Pro Tempore Hitchcock, Mr. Weisel stated the \$3.5 million is not expected to annualize to \$7 million because costs will be higher in the second half of the year and year-end projections are not yet available.

In response to Council Member Hansen, Mr. Weisel stated staff will have a reserve amount study completed within the next few months to bring to Council for consideration. Mr. Schwabauer stated the City's portion of the NCPA/PG&E settlement as a participant is expected to be approximately \$650,000 and should be coming due in the next 60 days or so.

In response to Council Member Mounce, Mr. Weisel stated staff received on Thursday the figures due from NCPA as a result of their accelerated payments and will discuss options with the larger utility users on how to absorb the cost.

In response to Council Member Hitchcock, Mr. Weisel stated the payment acceleration by NCPA is expected to be a one-time event and will not be recurring.

In response to Council Member Hansen, Mr. Weisel stated the NCPA amount due was approximately \$900,000, about \$600,000 over what was anticipated.

In response to Council Member Johnson, Mr. Weisel and Mr. King stated staff can propose two sets of numbers to the larger utility users to see if they would like to absorb the entire cost upfront or spread it out over the next few months.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated a narrative description and explanation of the NCPA cost on the utility billing may be more feasible than a separate line item.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:52 a.m.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 3, 2010**

C-1 Call to Order / Roll Call - N/A

C-2 Announcement of Closed Session - N/A

C-3 Adjourn to Closed Session - N/A

C-4 Return to Open Session / Disclosure of Action - N/A

A. Call to Order / Roll call

The Regular City Council meeting of February 3, 2010, was called to order by Mayor Katzakian at 7:01 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations - None

C-3 Presentations

a) Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Priyank Patel, member of the Greater Lodi Area Youth Commission, gave an update on the Commission's activities and accomplishments. Further, Mayor Katzakian presented Certificates of Recognition to the following Teen of the Month recipients: Cassandra Porter – December 2009; Kelsey Snell – January 2010; and Jill Mulrooney – February 2010.

b) Presentation Regarding Carnegie Library Building Centennial, February 12, 2010 (LIB)

Library Services Director Nancy Martinez presented information on the centennial of Lodi's Carnegie Library dedicated on February 12, 1910.

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to approve the following items hereinafter set forth in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor



Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$4,580,772.92 (FIN)

Claims were approved in the amount of \$4,580,772.92.

D-2 Approve Minutes (CLK)

The minutes of January 19, 2010 (Shirtsleeve Session), January 20, 2010 (Regular Meeting), and January 26, 2010 (Shirtsleeve Session) were approved as written.

D-3 Accept Quarterly Investment Report as Required by Government Code Section 53646 and the City of Lodi Investment Policy (CM)

Accepted the quarterly investment report as required by Government Code Section 53646 and the City of Lodi Investment Policy.

D-4 Accept Quarterly Report of Purchases Between \$5,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$5,000 and \$20,000.

D-5 Receive Report of Sale of Surplus Equipment (PW)

Received the report of sale of surplus equipment.

D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi GrapeLine Bus Stop Improvements, Various Locations (PW)

Approved the plans and specifications and authorized advertisement for bids for Lodi GrapeLine Bus Stop Improvements, Various Locations.

D-7 Approve Documents and Authorize Advertisement for Request for Proposals for Municipal Service Center PBX Replacement Project (PW)

Approved documents and authorized advertisement for request for proposals for Municipal Service Center PBX Replacement Project.

D-8 Adopt Resolution Authorizing the City Manager to Extend Agreement for General Liability Claims Adjusting and Administrative Services with D.B. Claims Services Group, Inc. (CM)

Adopted Resolution No. 2010-09 authorizing the City Manager to extend the agreement for general liability claims adjusting and administrative services with D.B. Claims Services Group, Inc.

D-9 Adopt Resolution Approving Applications for Statewide Park Program Grant Funds (PR)

Adopted Resolution No. 2010-10 approving applications for statewide park program grant funds.

D-10 Concur with Staff Requests Seeking Federal Assistance to Fund City Projects (CM)

Concur with staff requests seeking Federal assistance to fund City projects.

D-11 Set Public Hearing for February 17, 2010, to Consider Certification of Final Environmental Impact Report and Adoption of the General Plan (CD)

Set public hearing for February 17, 2010, to consider certification of Final Environmental Impact Report and adoption of the General Plan.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Theresa Vuinovic and Nicole Warren, representing Valley Performing Arts, spoke in regard to funding options, including grants, for continuing theater performances in the City of Lodi at Hutchins Street Square. In response to Council Member Hansen, Ms. Vuinovic stated the \$25,000 for South Pacific covers royalties of approximately 30%, costume fees, lighting, equipment rentals, security, and a variety of other costs.

F. Comments by the City Council Members on Non-Agenda Items

Council Member Mounce reported on her attendance at the League of California Cities Conference for Mayors and Council Members and asked City Manager King to look into options for having an annual City Council goal setting session.

Council Member Hansen reported on his attendance at the San Joaquin Council of Governments Executive Committee meeting and Northern California Power Agency (NCPA) Commission meeting. Specific topics of discussion included the approval of the San Joaquin blue print, Interstate 5 widening, improving road conditions on Interstate 5, State funding to replace cement lanes from Country Club Boulevard in Stockton to Sacramento County line, NCPA strategic workshop, climate change, energy efficiency, AB 32, preliminary work on NCPA budget, Capital Day in Sacramento to meet legislators and energy commissioners, Lodi Energy Center permitting, ongoing challenges for Modesto on its contribution to the project, and other subscribers willing to step up if needed.

In response to Council Member Johnson, Mr. King stated there will be a Shirtsleeve Session next Tuesday regarding high speed rail.

Mayor Katzakian reported on his attendance at the League of California Cities Conference for Mayors and Council Members.

G. Comments by the City Manager on Non-Agenda Items

None.

H. Public Hearings

H-1 Public Hearing to Consider the Approval of the Action Plan Amendment for the Reallocation of Available Community Development Block Grant and Community Development Block Grant - Recovery Program Funding (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider approval of the Action Plan amendment for the reallocation of available Community Development Block Grant (CDBG) and Community Development Block Grant - Recovery (CDBG-R) Program funding.

City Manager King provided a brief introduction to the subject matter of the 2009 Action Plan amendment for the reallocation of the CDBG and CDBG-R funding. Mr. King disclosed that his spouse is a non-paid member of the Board of Directors of the LOEL Center.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the reallocation of the CDBG and CDBG-R funding. Specific topics of discussion included amending the 2009 Action Plan, reallocating the Urban County funding, three sources for reallocated CDBG funding, single source for reallocated CDBG-R funding, the spay and neuter program, the LOEL kitchen project, the handicap ramp/parking retrofit project, total distribution of the proposed funding for City projects/services and community-based organizations, and recommended action regarding the same.

In response to Council Member Johnson, Mr. Wood stated the transfer of the \$17,000 from the graffiti abatement program is due to not meeting the percentage requirements in the targeted area and the program is active on a daily basis.

In response to Council Member Johnson, Mr. Wood stated graffiti is an ongoing battle and some incidents happen in the same location repeatedly. Mr. King stated the issue is one of proportion as to how much money is justified in a targeted area.

In response to Mayor Pro Tempore Hitchcock, Mr. Wood stated for handicap ramps Public Works has a lengthy list of replacement or retrofit projects and works off a complaint or identified problem area basis. Mr. Wood stated the area next to the theater requires about \$25,000 to \$30,000 worth of work to address liability and Americans with Disabilities Act issues. He stated the area is considered a targeted area due to the surrounding public area.

Mayor Pro Tempore Hitchcock requested a copy of the list identifying handicap ramp improvements and replacements in targeted areas.

In response to Council Member Mounce, Mr. Wood stated if approved the funds would be available as early as next Tuesday.

In response to Council Member Hansen, Mr. Wood stated the LOEL Center has asked the County for financial reports as well, the overall project is approximately \$560,000, and the City has contributed \$397,000 toward that amount.

Mayor Katzakian opened the public hearing to receive comments from the public.

Dale Gillespie, representing the LOEL Foundation, stated the proposed \$42,000, combined with \$78,000 from the County, will fund 100% of the project need.

In response to Mayor Pro Tempore Hitchcock, Mr. Gillespie stated the total cost of the project is \$560,000, including kitchen equipment at \$190,000, and the City will have contributed approximately \$440,000 total with the proposed request for tonight.

In response to Council Member Hansen, Mr. Gillespie stated the money from the County is also reallocated CDBG funding. He stated the kitchen has single shift capacity for preparing over 300 meals, which includes previously served seniors as well as those in the outlining areas of the

City.

Mayor Katzakian closed the public hearing after receiving no further public comment.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-11 approving the amendment of the 2009 Action Plan for reallocation of available Community Development Block Grant (CDBG) funding and approving the reallocation of available Urban County Community Development Block Grant (UC-CDBG) and Community Development Block Grant-Recovery (CDBG-R) Program funding.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

H-2 Public Hearing to Consider Adopting an Uncodified Interim Urgency Ordinance Extending Interim Ordinance No. 1823, Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries (CA)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider adopting an uncodified interim urgency ordinance extending interim Ordinance No. 1823, imposing a temporary moratorium on the establishment or operation of medical marijuana dispensaries.

City Manager King provided a brief introduction to the subject matter of extending the existing interim moratorium on the establishment or operation of medical marijuana dispensaries.

City Attorney Schwabauer provided a brief presentation regarding extending the existing interim moratorium on the establishment or operation of medical marijuana dispensaries. Specific topics of discussion included the timing of the moratorium, pending court cases, and possible options after the cases are decided upon.

In response to Council Member Mounce, Mr. Schwabauer stated Stockton has two dispensaries and he is not sure of the specific history on those particular dispensaries.

In response to Council Member Hansen, Mr. Schwabauer stated the current initiative proposes to decriminalize possession of marijuana and does not address the sale of the substance or other issues related to establishing and operating dispensaries.

In response to Council Member Johnson, Mr. Schwabauer stated the current pending case with the Supreme Court is fully briefed and waiting on a decision from the Court.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated staff will continue to do background work while awaiting the Supreme Court decision.

Mayor Katzakian opened the public hearing to receive comments from the public.

Robin Rushing spoke in support of legalizing possession of marijuana and allowing dispensaries in the City based on the revenue generation and community need.

Mayor Katzakian closed the public hearing after receiving no further comments from the public.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to adopt uncodified interim urgency Ordinance No. 1828 extending interim Ordinance No. 1823 imposing a temporary moratorium on the establishment or operation of medical marijuana dispensaries.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments

a) Post for One Vacancy on the Lodi Budget/Finance Committee (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to direct the City Clerk to post for the following vacancy:

Lodi Budget/Finance Committee

Louis Ponick, Term to expire June 30, 2013

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I-3 Miscellaneous - None

J. Regular Calendar

J-1 Adopt Resolution Appropriating \$39,000 for Replacement of Damaged Section of Play Structure at Century Park (to be Offset with Insurance Proceeds of Approximately \$14,000) (PR)

City Manager King briefly introduced the subject matter of the Century Park playground replacement. Mr. King specifically discussed the \$25,000 deductible amount, the total \$39,000 anticipated cost, cases for funding and not funding the replacement, park placement adjacent to railroad tracks, Salas Park to the west side of the tracks, neighborhood make-up, unbudgeted amount to be taken from liability reserve, park maintenance budget not able to absorb cost, and possible Council options. Interim Parks and Recreation Director Jim Rodems added that the total amount reflects replacement of the damaged areas with equipment that is Americans with Disabilities Act compliant.

In response to Council Member Mounce, Mr. King stated the Century Boulevard extension and grade separation is at least a decade away, the use of life for the equipment is 7 to 10 years, and it is likely that the safety standards will change sooner than that time.

In response to Council Member Mounce, Mr. Rodems stated there is limited vandalism at the

Century Boulevard playground, the suspect has not yet been caught, and Crimestoppers is offering a reward of \$1,000.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated repairs need to be done to the substructure regardless of the undamaged portion of the playground. Discussion ensued regarding which portion of the diagram was damaged versus undamaged.

In response to Council Member Mounce, Park Superintendent Steve Dutra stated the Century Park playground is dated 2001 and meets the current park safety standards.

In response to Council Member Hansen, Mr. Dutra stated compared with other City parks Century Park has an average usage. Mr. Dutra stated improvements at Century Park can be handled in the same manner as Blakely Park with public outreach, neighborhood ownership of the park, and other community based efforts.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated Community Development Block Grant funding could not be used because the park is not in the targeted area.

In response to Council Member Johnson, Mr. King stated staff could look into options to use public benefit monies for lighting.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to adopt Resolution No. 2010-12 appropriating \$39,000 for replacement of damaged section of play structure at Century Park.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

J-2 Adopt Resolution Authorizing the City Manager to Enter into a Third Amendment to World of Wonders Science Museum Lease (CM)

City Manager King provided an overview of the World of Wonders (WOW) lease agreement extension and specifically discussed deferral for a one-year period, improvements made to the property by WOW, and sensitivity to current economic conditions.

Sally Snyder, representing the WOW Museum, spoke in favor of the proposed extension to the lease agreement and reviewed the reasoning for the request as set forth in the letter including limited revenues and current economic conditions.

In response to Council Member Hansen, Ms. Snyder stated the agreement for the Exploratorium exhibits has been renewed but presents an ongoing challenge because the rental of the exhibits is \$6,500 per month.

In response to Council Member Hansen, Ms. Snyder stated the WOW Museum is having a fundraiser golf tournament on April 19, 2010, at Woodbridge Golf and Country Club.

In response to Mayor Pro Tempore Hitchcock, Ms. Snyder stated the museum has never received Community Development Block Grant (CDBG) funding. Mr. King stated staff will need to research whether CDBG funding might be used to address improvements to the facility, including mold remediation, since the facility sits in the target area.

General discussion ensued among City Council and Ms. Snyder regarding the WOW Museum and its benefits to the surrounding community.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-13 authorizing the City Manager to enter into a third amendment to World of Wonders Science Museum Lease.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

J-3 Consider Approving the First "Mokelumne River Challenge" on June 12, 2010 (PR)

City Manager King briefly introduced the subject matter of the Mokelumne River Challenge.

Interim Parks and Recreation Director Jim Rodems and Mr. Alan MacIsaac provided an overview of the Mokelumne River Challenge and specifically discussed site benefits, competitor categories, committee sponsors, committed operational event partners, additional event partners, local non-profit benefactors, event labor staffing, and national benefactors.

In response to Council Member Johnson, Mr. Rodems stated staff would attempt to get a single day event rider for insurance to cover the event.

In response to Mayor Pro Tempore Hitchcock, Mr. MacIsaac stated there will likely be between 75 to 150 participants and there will be an awards ceremony at the conclusion of the event.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated the estimated cost recovery for staffing, as with cross country meets, is about \$2,000, and staff will look at special needs to determine cost recovery.

In response to Council Member Mounce, Mr. MacIsaac stated he does not have any direct experience hosting an event like this in another community, but has assisted in putting on various events with non-profits.

In response to Council Member Hansen, Mr. Rodems and Mr. MacIsaac stated the dock can be moved around if needed to allow for disabled participation at an adaptive time.

Mayor Pro Tempore Hitchcock requested a copy of the Calendar of Events scheduled at Lodi Lake.

Council Member Mounce suggested that in the future the relevant Parks and Recreation Commission minutes be attached to reflect the nature of the Commission discussion and action.

Linda Castelanelli, resident near Lodi Lake, spoke in regard to her concerns about boats on the river at the time of the event and safety.

Larry Long, representing the Parks and Recreation Commission, reviewed the Commission discussion on the topic including safety and insurance consideration. In response to Mayor Pro Tempore Hitchcock, Mr. Long stated the Commission decision was unanimous.

Council Member Mounce made a motion, second by Council Member Johnson, to approve the first "Mokelumne River Challenge" on June 12, 2010.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:02 p.m., in memory of Janis "Danene" Edalgo, daughter of Site Plan and Architectural Review Committee Member Roger Stafford, who passed away on January 31, 2010.

ATTEST:

Randi Johl  
City Clerk



**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, FEBRUARY 9, 2010**

**A. Roll Call by City Clerk**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 9, 2010, commencing at 7:01 a.m.

Present: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: Council Member Mounce

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. Topic(s)**

**B-1 Presentation on the California High-Speed and Regional Rail Program (CD)**

City Manager King briefly introduced the subject matter of the Statewide High Speed Train System.

Interim Community Development Director Rad Bartlam introduced Brian Schmidt of the Rail Authority to provide the presentation. Mr. Schmidt provided a PowerPoint presentation regarding the Statewide High Speed Train System. Specific topics of discussion included connecting cities throughout California, Merced to Sacramento Section, purpose of high speed train project, current and projected need, what are high speed trains, grade separations, typical sections along alignment, California Environmental Quality Act/National Environmental Policy Act process, potential environmental issues, potential Sacramento high speed train (HST) station location, potential Stockton HST station location, potential Modesto station locations, potential Merced HST station location, HST project process, alternatives analysis process, California high speed train prior milestones, public participation, and the Central Valley working group.

In response to Council Member Hansen, Mr. Schmidt stated there is no difference other than terminology between regional rail and commuter rail.

In response to Council Member Hansen, Mr. Schmidt stated there is no documentation to indicate who stated approximately seven to eight years ago that Lodi does not want commuter rail coming through the City.

In response to Council Member Hansen, Mr. Schmidt stated a letter from the City Council indicating that they are interested in high speed rail and regional rail stops in the City is good.

In response to Council Member Johnson, Mr. Schmidt stated both high speed and regional rail would run parallel and the support is needed for both simultaneously.

In response to Mayor Katzakian, Mr. Schmidt stated high speed rail would require new tracks that may run parallel to existing tracks to the extent possible with separate right of ways.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated a new track would require a right of way acquisition of land possibly parallel to Highway 99. Mr. Schmidt stated it would most likely run east of the Union Pacific track but engineers have not yet looked at specific design and cost alternatives.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the high speed segment will not stop in Lodi, the closest stop is Stockton, and the question of opportunity is to use the alignment for regional rail purposes.

In response to Mayor Pro Tempore Hitchcock, Mr. Schmidt stated some of the impacts of high speed rail going through town would be elevated structure, 50 foot wide right of way, two to four tracks, and noise should be nominal compared to freight trains. Mr. Schmidt also discussed the anticipated frequency of round-trip trips.

In response to Council Member Johnson, Mr. Schmidt stated the modeling process is being reviewed and options for sharing tracks and mixing services are being considered.

In response to Mayor Katzakian, Mr. Schmidt stated the typical passenger ridership in Europe for high speed rail is 1,000 people per set.

In response to Council Member Hansen, Mr. Schmidt stated regardless of the ballot measure, due to federal funding, high speed rail efforts will move forward although it may not be built for some time. Mr. King stated it is his understanding that the main purpose of high speed rail in California is to connect the Los Angeles area with the Bay Area.

In response to Council Member Johnson, Mr. Schmidt stated true high speed would occur around the Bakersfield area where there is room to go over 200 miles per hour.

In response to Council Member Hansen, Mr. Schmidt stated the projected commute from Los Angeles to San Francisco is two hours and twenty minutes including station stops.

General discussion ensued among the City Council, Mr. King, and Mr. Schmidt regarding the European rail system and how it would compare to the proposed high speed and commuter rail system in California.

In response to Council Member Hansen, Mr. Schmidt stated the bond that passed over a year ago for high speed rail in California was approximately \$9.95 billion and was designed to be a matching funding source for scoping, design, and some construction.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the item will be placed for Council consideration on the February 17 agenda in order to ensure a timely response for the February 26 scoping period deadline.

In response to City Manager King, Mr. Schmidt stated he does not believe any American Recovery and Reinvestment Act of 2009 funding was received for the Merced to Sacramento rail option, as the funding that was received was primarily for Los Angeles to San Francisco.

In response to Mayor Katzakian, Mr. Schmidt stated other areas competing for high speed rail funds include Chicago, the Midwest, Florida, Massachusetts, Virginia, and Seattle, although California received more than any other state.

In response to Council Member Johnson, Mr. Schmidt confirmed that the worst case scenario is that if Lodi does not accept high speed rail, it may not get regional rail either.

Myrna Wetzel spoke in support of utilizing the multi-modal station in light of the cost and effort that went into its construction.

C. Comments by Public on Non-Agenda Items - None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:57 a.m.

ATTEST:

Randi Johl  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park – Electrical Improvements Phase I, 2350 South Lower Sacramento Road

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Approve plans and specifications and authorize advertisement for bids for DeBenedetti Park – Electrical Improvements Phase I, 2350 South Lower Sacramento Road.

**BACKGROUND INFORMATION:** This project consists of providing and installing new primary and fiber optic conduits, pull line, trenching, backfill and compaction. Work also includes the installation of primary vaults, secondary service boxes, module enclosure pads, a transformer pad, metered switchboard panels, streetlights along the park frontage on Lower Sacramento Road and other incidental and related work.

This project will be done in conjunction with the DeBenedetti Park irrigation and turfing project, which is currently out to bid. Completion of this Electrical Phase I improvement is necessary to provide power to the irrigation and lighting systems in the Phase I portion of the park. By bidding the electric work separately from the irrigation and turfing, staff is expecting to see a savings in cost. The completion of both projects will allow the Parks and Recreation Department to add new play areas for its soccer, flag football and softball programs. The new fields should be ready for use in the spring of 2011.

Staff is recommending that City Council approve the plans and specifications and authorize advertisement for bids for this project.

The plans and specifications are on file in the Parks and Recreation Department. The planned bid opening date is March 10, 2010.

**FISCAL IMPACT:** The estimated project cost is \$350,000. There will be an increase in the long-term park and storm drain maintenance costs.

**FUNDING AVAILABLE:** Electric Utility Outlay Reserve Fund (161651): \$350,000

\_\_\_\_\_  
Jordan Ayers  
Deputy City Manager/Internal Services Director

\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

\_\_\_\_\_  
Kenneth A. Weisel  
Interim Electric Utility Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

FWS/WKF/pmf

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Specifications and Authorize Advertisement for Bids to Procure Polemount and Padmount Transformers (EUD)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Interim Electric Utility Director

**RECOMMENDED ACTION:** Approve specifications and authorize advertisement for bids to procure polemount and padmount transformers (EUD).

**BACKGROUND INFORMATION:** Transformers are needed in stock to replace damaged/old transformers in distribution system maintenance and to install in new customer locations such as Reynolds Ranch, DeBenedetti Park, and the future Department of Motor Vehicles office. In this procurement, the transformer capacities are within the range of 25 to 112.5kVA and the average delivery time is about 10 to 16 weeks.

To meet EUD's identified needs for 2010 and to augment warehouse inventory, staff recommends advertisement for bids for the following transformers:

Polemount:	11 each	25kVA single-phase conventional 120/240V secondary
	2 each	25kVA single-phase conventional 240/480V secondary
	4 each	50kVA single-phase conventional 120/240V secondary
	1 each	50kVA single-phase conventional 277/480V secondary
Padmount:	12 each	37.5kVA single-phase 240/120V secondary
	9 each	50kVA single-phase 240/120V secondary
	1 each	75kVA single-phase 240/120V secondary
	4 each	75kVA three-phase 208Y/120V secondary
	1 each	112.5kVA three-phase 480Y/277V secondary
	1 each	167kVA single-phase 240 /120V secondary

Specifications are on file at the Electric Utility Department.

**FISCAL IMPACT:** Estimated cost is \$190,000.

**FUNDING:** Account No. 161651.

\_\_\_\_\_  
Jordan Ayers  
Deputy City Manager/Internal Services Director

\_\_\_\_\_  
Kenneth A. Weisel  
Interim Electric Utility Director

**Prepared by:** Demy Bucaneg, Jr., PE - Assistant Electric Utility Director, Engineering & Operations  
Weldat Haile, Senior Power Engineer

APPROVED: \_\_\_\_\_  
Blair King, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Rejecting Proposals for the White Slough Solar Demonstration Plant (EUD)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Interim Electric Utility Director

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**RECOMMENDED ACTION:** Adopt a resolution rejecting proposals for the White Slough Solar Demonstration Plant.

**BACKGROUND INFORMATION:** On August 19, 2009, the City Council approved issuance of a request for proposals for energy from a Solar Demonstration Plant to be located at White Slough.

On November 4, 2009, six proposals were received and opened. None of the six proposals was deemed responsive, due to omissions of required acknowledgments or requested specifics.

Staff therefore recommends the rejection of all proposals.

Staff intends to simplify the concept to a solar power purchase agreement and return to Council with an acceptable proposal.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not Applicable

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Kenneth A. Weisel  
Interim Electric Utility Director

KAW/lst

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
REJECTING PROPOSALS FOR THE WHITE SLOUGH  
SOLAR DEMONSTRATION PLANT

=====

WHEREAS, in response to notice duly published in accordance with law and the order of this City Council, six (6) sealed proposals were received and publicly opened on November 4, 2009, at 11:00 a.m. for energy from a Solar Demonstration Plant to be located at White Slough; and

WHEREAS, several of the proposals were not responsive, with omissions of required materials.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reject all the proposals for solar energy received on November 4, 2009.

Dated: February 17, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Donation of Retired Self-Contained Breathing Apparatus (SCBA) and Surplus Turnouts to the Lodi Unified School District Regional Occupation Fire Science Technology Program

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Kevin Donnelly, Fire Chief

---

**RECOMMENDED ACTION:** Adopt Resolution approving donation of retired Self-Contained Breathing Apparatus (SCBA) and surplus turnouts to the Lodi Unified School District Regional Occupation Fire Science Technology Program.

**BACKGROUND INFORMATION:** The Fire Department has surplus turnouts that no longer offer appropriate protection for live fire activity. The turnouts failed to pass either a moisture barrier or thermal liner test and were found to be insufficient for fire-related activity. They may be utilized for non-firefighting activities and have been permanently marked for training use only. The Fire Department currently utilizes these turnouts for our training academy and has an excess inventory of this equipment. The SCBA's were received through a grant in 1996 and were utilized until 2006-2007, at which time they were taken out of service. The Fire Department requests that the SCBA's be removed from the fixed asset records and that the seven turnout pants, 10 turnout jackets, two pairs of firefighting gloves, four SCBA's, four SCBA bottles, and two SCBA masks be donated to the Lodi Unified School District Regional Occupation Fire Science Technology Program. The City Attorney's Office will draft a hold harmless agreement in favor of the City to be executed by LUSD in consideration for the donation.

**FISCAL IMPACT:** The SCBA's and turnouts do not meet current standards. Donating the equipment will free storage space and provide equipment for a limited budget fire science program that has directly impacted the fire department and the City of Lodi with 15 current employees that are graduates from the program.

**FUNDING AVAILABLE:** No City funds will be expended to accomplish this donation.

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Kevin Donnelly, Fire Chief

KD/lh  
Attachment

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APPROVED: \_\_\_\_\_  
Blair King, City Manager



RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE DONATION OF RETIRED SELF-CONTAINED BREATHING  
APPARATUS (SCBA) AND SURPLUS TURNOUTS TO THE LODI  
UNIFIED SCHOOL DISTRICT (LUSD) REGIONAL OCCUPATION  
FIRE SCIENCE TECHNOLOGY PROGRAM

=====

WHEREAS, the Fire Department has surplus turnout pants, 10 turnout jackets and 2 pairs of firefighting gloves, that are no longer appropriate protection for live fire activity (collectively the "Turnouts"); and

WHEREAS, the Fire Department has 4 Self-Contained Breathing Apparatus (SCBA), 4 SCBA bottles and 2 SCBA masks (collectively the "SCBA") that have been taken out of service; and

WHEREAS, the Turnouts and the SCBA may only be used for non-firefighting activities and have been permanently marked for training use only; and

WHEREAS, LUSD will execute a hold harmless agreement in favor of the City of Lodi in consideration for the donation of the Turnouts and the SCBA.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the removal of the 4 SCBAs, 4 SCBA bottles and 2 SCBA masks from the fixed asset records of the City of Lodi; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the donation of the 7 turnout pants, 10 turnout jackets, 2 pairs of firefighting gloves and the 4 SCBAs, 4 SCBA bottles and 2 SCBA masks to the Lodi Unified School District Regional Occupation Fire Science Technology Program.

Dated: February 17, 2010

=====

I hereby certify that Resolution No. \_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Purchase of Transit Fare Collection Equipment from GFI GenFare, of Elk Grove Village, IL (\$279,843) and Appropriating Funds (\$300,000)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution approving the purchase of transit fare collection equipment from GFI GenFare, of Elk Grove Village, IL, in the amount of \$279,843 and appropriating funds in the amount of \$300,000.

**BACKGROUND INFORMATION:** The City of Lodi received American Recovery and Reinvestment Act (ARRA) funds in the amount of \$1,623,000 in July 2009 for transit infrastructure projects. Our first project is to purchase and install automated fare boxes for the transit buses in the amount of \$300,000.

The remaining projects include the Transit Maintenance Shop Solar Power Project (\$1,000,000) and the Transit Facilities Security Systems Project (\$323,000). Both of these projects are scheduled to be completed by June 2011. The automated fare boxes will validate coins, bills and transfers, providing the drivers with a mechanism to verify funds. GFI GenFare is the leading supplier of bus fare collection equipment and the only equipment compatible with our neighboring transit agency, San Joaquin Regional Transit District.

City staff recommends the purchase of the transit fare collection equipment using the Greater Cleveland Regional Transit Authority (GCRTA) Contract RFP No. 2006-039. The purchase includes electronic fare boxes, computer hardware and software, cashboxes, ticket material, spare parts, and training for Fleet Maintenance staff.

Per Lodi Municipal Code §3.20.045, State and Local Agency Contracts, the bidding process may be waived when it is advantageous for the City, with appropriate approval by City Manager and City Council, to use contracts that have been awarded by other public agencies, provided that their award was in compliance with their formally-adopted bidding or negotiation procedures. Purchasing the transit fare collection equipment utilizing the GCRTA contract saves the City of Lodi money and time.

**FISCAL IMPACT:** Purchase of the transit fare collection equipment will provide accountability of passenger revenues.

**FUNDING AVAILABLE:** Requested Appropriation: ARRA Funds (125090)      \$300,000 (100%)

\_\_\_\_\_  
Jordan Ayers  
Deputy City Manager/Internal Services Director

\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

Prepared by Paula Fernandez, Transportation Manager/Senior Traffic Engineer  
FWS/PJF/pmf

cc: Fleet and Facilities Manager  
MV General Manager Brenda Kuykendall

Fleet Services Supervisor

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
PURCHASE OF TRANSIT FARE COLLECTION EQUIPMENT  
AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, the City of Lodi received American Recovery and Reinvestment Act (ARRA) funds in the amount of \$1,623,000 for transit infrastructure projects, including the purchase and installation of automated fare boxes for transit buses in the amount of \$300,000; and

WHEREAS, the automated fare boxes will validate coins, bills and transfers, providing the drivers with a mechanism to verify funds; and

WHEREAS, GFI GenFare is the leading supplier of bus fare collection equipment and the only equipment compatible with our neighboring transit agency, San Joaquin Regional Transit District; and

WHEREAS, City staff recommends the purchase of the transit fare collection equipment from GFI GenFare, of Elk Grove Village, Illinois, using the Greater Cleveland Regional Transit Authority Contract RFP No. 2006-039. The purchase includes electronic fare boxes, computer hardware and software, cashboxes, ticket material, spare parts, and training for Fleet Maintenance staff; and

WHEREAS, per Lodi Municipal Code §3.20.045, "State and Local Agency Contracts," the bidding process may be waived when it is advantageous for the City, with appropriate approval by City Manager and City Council, to use contracts that have been awarded by other public agencies, provided that their award was in compliance with their formally-adopted bidding or negotiation procedures; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the purchase of transit fare collection equipment from GFI GenFare, of Elk Grove Village, Illinois, in the amount of \$279,843, through the Great Cleveland Regional Transit Authority Contract RFP No. 2006-039; and

BE IT FURTHER RESOLVED that funds in the amount of \$300,000 be appropriated from American Recovery and Reinvestment Act (ARRA) funds for this purchase.

Dated: February 17, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding Contract for 2010 Alley Reconstruction Project to George Reed, Inc., of Lodi (\$226,454.40)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution awarding the contract for the 2010 Alley Reconstruction Project to George Reed, Inc., of Lodi, in the amount of \$226,454.40.

**BACKGROUND INFORMATION:** This project consists of reconstructing three alleys with 866 tons of asphalt concrete, installing 1,856 lineal feet of pervious concrete valley gutter, and other incidental and related work, all as shown on the plans and specifications for the "2010 Alley Reconstruction Project." The location of the alleys to be reconstructed is provided in Exhibit A.

The three alleys planned for reconstruction were selected from Streets Maintenance District 1 because it contains the oldest alleys in the community. All alleys in the District were evaluated and ranked based upon condition, drainage problems, and the number of fronting residences. The City will be using Community Development Block Grant (CDBG) funds to reconstruct the alleys with new asphalt concrete pavement. Due to the relative flatness of the alley, a pervious concrete valley gutter will be installed in the center of the alley to handle the storm drainage. The pervious concrete will allow storm water to percolate to the underlying soil during low-flow situations and will solve the majority of the water ponding problems. The alley will also be graded to drain to the adjacent streets during more intense storm events. This project is the first of its kind in the City for many years and is the first project in the City to use the pervious concrete. If it proves to be successful, future alley projects will be constructed using similar methods.

Plans and specifications for this project were approved on January 6, 2010. The City received the following 11 bids for this project on February 2, 2010. Two bids were rejected for failing to include the mandatory addenda acknowledgements.

Bidder	Location	Bid
Engineer's Estimate		\$ 247,348.00
George Reed, Inc.	Lodi	\$ 226,454.40
G&L Brock Construction	Stockton	Bid Rejected
A.M. Stephens Construction	Lodi	\$ 257,378.80
Granite Construction	Stockton	\$ 260,985.00
Knife River Construction	Stockton	\$ 268,685.70
P.E. Pacific Engineering	Bakersfield	\$ 271,272.40
Teichert Construction	Stockton	\$ 303,342.60
Hensley's Paving, Inc.	Waterford	\$ 313,165.82
Haskell & Haskell Company	Knights Ferry	\$ 321,463.99
Donniker Construction	Avery	Bid Rejected
Robert Burns Construction	Stockton	\$ 323,892.92

APPROVED: \_\_\_\_\_  
Blair King, City Manager

**FISCAL IMPACT:** There will be a decrease in street maintenance for the reconstructed alleys.

<b>FUNDING AVAILABLE:</b>	08-21 Urban County Funds CDBG	\$107,000
	09-02 Entitlement CDGB	\$220,000

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Jordan Ayers  
Deputy City Manager/Internal Services Director

---

F. Wally Sandelin  
Public Works Director

Prepared by Lyman Chang, Senior Civil Engineer

FWS/LC/pmf

Attachment

cc: City Attorney  
Purchasing Officer  
Streets and Drainage Superintendent  
Senior Civil Engineer Chang  
Management Analyst Areida-Yadav  
Neighborhood Services Manager





## 2010 ALLEY RECONSTRUCTION PROJECT

## CONTRACT

**Alley North of Elm Street, Garfield Street to Cherokee Lane  
Alley North of Pine Street, Washington Street to Central Avenue  
Alley North of Locust Street, Central Avenue to Garfield Street**

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CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and GEORGE REED, INC., herein referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The July 2002 Edition,
Information to Bidders	Standard Specifications,
General Provisions	State of California,
Special Provisions	Business and Transportation Agency,
Bid Proposal	Department of Transportation
Contract	
Contract Bonds	
Plans	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time,

and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

**ARTICLE IV** - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

The work consists of reconstructing the alleys with 866 tons of asphalt concrete, installing 1,856 lineal feet of pervious concrete alley gutter, and other incidental and related work, all as shown on the plans and specifications for "2010 Alley Reconstruction Project".

#### CONTRACT ITEMS

##### **Schedule 1: Alley North of Pine Street, Washington Street to Central Avenue; Alley North of Locust Street, Central Avenue to Garfield Street**

ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
1.	Traffic Control	LS	1	\$ 6,000.00	\$ 6,000.00
2.	Clearing and Grubbing	LS	1	\$ 3,000.00	\$ 3,000.00
3.	Roadway Excavation	CY	676	\$ 22.00	\$14,872.00
4.	Compact Original Ground	SF	20,538	\$ 0.35	\$ 7,188.30
5.	Concrete Subgrade Compaction	SF	4,304	\$ 1.60	\$ 6,886.40
6.	Asphalt Concrete	TON	532	\$ 80.00	\$42,560.00
7.	Concrete Alley Approach	SF	2,022	\$ 9.00	\$18,198.00
8.	Install Concrete Band	LF	87	\$ 20.00	\$ 1,740.00
9.	Pervious Concrete Alley Gutter	LF	1,141	\$ 13.00	\$14,833.00
10.	Adjust Manhole Frame and Cover to Grade	EA	4	\$ 650.00	\$ 2,600.00



ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
11.	Adjust Monitoring Well Frame and Cover to Grade	EA	1	\$ 900.00	\$ 900.00
12.	Adjust Water Valve Frame and Cover to Grade	EA	2	\$ 500.00	\$ 1,000.00
13.	Adjust Water Meter Box to Grade	EA	37	\$ 250.00	\$ 9,250.00
14.	Adjust Wastewater Cleanout to Grade	EA	6	\$ 250.00	\$ 1,500.00

**Schedule 1 Total**    \$ 130,527.70

**Schedule 2: Alley North of Elm Street, Garfield Street to Cherokee Lane**

ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
1.	Traffic Control	LS	1	\$ 6,000.00	\$ 6,000.00
2.	Clearing and Grubbing	LS	1	\$ 3,000.00	\$ 3,000.00
3.	Roadway Excavation	CY	530	\$ 22.00	\$11,660.00
4.	Compact Original Ground	SF	12,870	\$ 0.35	\$ 4,504.50
5.	Concrete Subgrade Compaction	SF	2,412	\$ 1.60	\$ 3,859.20
6.	Asphalt Concrete	TON	334	\$ 80.00	\$26,720.00
7.	Concrete Alley Approach	SF	982	\$ 9.00	\$ 8,838.00
8.	Pervious Concrete Alley Gutter	LF	715	\$ 13.00	\$ 9,295.00
9.	Relocate Wastewater Service	EA	1	\$ 2,500.00	\$ 2,500.00

ITEM NO.	DESCRIPTION	UNIT	EST'D. QTY	UNIT PRICE	TOTAL PRICE
10.	Furnish Water Valve Frame and Cover	EA	1	\$ 650.00	\$ 650.00
11.	Adjust Manhole Frame and Cover to Grade	EA	6	\$ 900.00	\$ 5,400.00
12.	Adjust Water Valve Frame and Cover to Grade	EA	1	\$ 500.00	\$ 500.00
13.	Adjust Water Meter Box to Grade	EA	23	\$ 250.00	\$ 5,750.00
14.	Adjust Wastewater Cleanout to Grade	EA	29	\$ 250.00	\$ 7,250.00

**Schedule 2 Total**     \$ 95,926.70

**Total = Schedule 1 plus Schedule 2**     \$ 226,454.40

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within 25 WORKING DAYS.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

\_\_\_\_\_

By: \_\_\_\_\_

Blair King  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_

Title

\_\_\_\_\_  
City Clerk

(CORPORATE SEAL)

Approved As To Form

\_\_\_\_\_  
D. Stephen Schwabauer  
City Attorney



RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AWARDING CONTRACT FOR 2010 ALLEY  
RECONSTRUCTION PROJECT

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 2, 2010, at 11:00 a.m. for the 2010 Alley Reconstruction Project, described in the plans and specifications therefore approved by the City Council on January 6, 2010; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

<b>Bidder</b>	<b>Bid</b>
George Reed, Inc.	\$ 226,454.40
G&L Brock Construction	Bid Rejected
A.M. Stephens Construction	\$ 257,378.80
Granite Construction	\$ 260,985.00
Knife River Construction	\$ 268,685.70
P.E. Pacific Engineering	\$ 271,272.40
Teichert Construction	\$ 303,342.60
Hensley's Paving, Inc.	\$ 313,165.82
Haskell & Haskell Company	\$ 321,463.99
Donniker Construction	Bid Rejected
Robert Burns Construction	\$ 323,892.92

WHEREAS, two bids were rejected for failing to include the mandatory addenda acknowledgements; and

WHEREAS, staff recommends awarding the contract for the 2010 Alley Reconstruction Project to the low bidder, George Reed, Inc., of Lodi, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the 2010 Alley Reconstruction Project to the low bidder, George Reed, Inc., of Lodi, California, in the amount of \$226,454.40.

Dated: February 17, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk



# CITY OF LODI

## COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Awarding a Contract for the Installation of Automated Residential Electric Meters to Republic ITS, Inc. of Novato, CA and to Appropriate Funds (\$109,945) (EUD)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Interim Electric Utility Director

**RECOMMENDED ACTION:** Adopt a resolution awarding a contract for the installation of automated residential electric meters to Republic ITS, Inc. of Novato, CA in the amount of \$109,945 and to appropriate funds.

**BACKGROUND INFORMATION:** On January 20, 2010, the City Council approved the bid specifications and authorized the advertisements for bids for the installation of 12,100 automated residential electric meters.

The Electric Utility Department (EUD) advertised bid documents and staff received bid proposals on February 5, 2010 with the following results:

Republic ITS, Inc., Novato, CA	\$ 109,945
Geigle Electric, Stockton, CA	\$ 128,260
Smith Denison Construction, Livermore, CA	\$ 446,006
Tennyson Electric, Livermore, CA	\$ 691,295

Staff evaluated the proposal of Republic ITS, Inc. to be compliant with the bid documents and to be the lowest responsive bid. Depending on the progress of the work, it is expected that 6600 meters will be installed in Fiscal Year 2009-10 at \$8.95 each (\$59,070) and the remaining 5500 meters in Fiscal Year 2010-11 at \$9.25 each (\$50,875).

Staff recommends awarding the contract for installation of 12,100 automated residential electric meters to Republic ITS, Inc. of Novato, CA.

**FISCAL IMPACT:** Installation cost is \$109,945.

**FUNDING:** Account No. 161000 from Fund Balance

\_\_\_\_\_  
Jordan Ayers  
Deputy City Manager/Internal Services Director

\_\_\_\_\_  
Kenneth A Weisel  
Interim Electric Utility Director

**PREPARED BY:** Kevin Bell, Utility Rate Analyst

KAW/DB/KB/lst

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

INSTALLATION OF AUTOMATED RESIDENTIAL METERS

SECTION 4  
CONTRACT

---

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and Republic ITS, Inc., herein referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids  
Information to Bidders  
General Provisions  
Special Provisions  
Bid Proposal  
Contract  
Contract Bonds  
Plans

The Latest Edition of  
Standard Specifications,  
State of California,  
Business and Transportation Agency,  
Department of Transportation

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare,

pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

The scope of work for the contractor shall include the following, as well as other incidental and related work, all as shown on the plans and specifications for the above project:

1. Provide qualified labor resources for the installation of approximately 6,600 single-phase meters within the City of Lodi;
2. Provide tools, vehicles and appropriate safety equipment necessary for this project;
3. Coordinate with the City for scheduling and reporting;
4. Complete required work order forms;
5. Pickup new meters for installation and store removed meters at designated storage sites;
6. Provide call center services during the installation period; and,
7. Installation of required door hangers, seals, rings, etc. for complete meter installation.

<u>BID ITEM</u>					
ITEM	EST'D.				
NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL PRICE
1.	Install Automated Residential Meters	EA	6,600	\$ <u>8.95</u>	\$ <u>59,070</u>
2.	10/11 Budget Year Extension Option	EA	5,500	\$ <u>9.25</u>	\$ <u>50,875</u>

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 30 calendar days after the Mayor has executed the contract and to diligently prosecute to completion within 400 CALENDAR DAYS.

ARTICLE IX - The City reserves the unilateral option to extend this contract into the 2010/2011 Budget year as set forth in Article IV.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

\_\_\_\_\_

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_


Title

\_\_\_\_\_  
City Clerk

(CORPORATE SEAL)

Approved as to form:

\_\_\_\_\_  
Stephen Schwabauer  
City Attorney





RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AWARDING A CONTACT FOR THE INSTALLATION OF  
AUTOMATED RESIDENTIAL ELECTRIC METERS TO  
REPUBLIC ITS, INC AND APPROPRIATING FUNDS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 5, 2010 at 11:00 a.m., for the installation of 12,100 automated residential electric meters, described in the specifications therefor, approved by the City Council on January 20, 2010; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

Republic ITS, Inc., Novato, CA	\$109,945
Geigle Electric, Stockton, CA	\$128,260
Smith Denison Construction, Livermore, CA	\$446,006
Tennyson Electric, Livermore, CA	\$691,295

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the award for the installation of 12,100 automated residential electric meters to Republic ITS, Inc., of Novato, CA, in the total amount of \$109,945; and

BE IT FURTHER RESOLVED that funds be appropriated from Account No. 161000 fund balance.

Dated: February 17, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_\_



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Awarding Contract for the Replacement of Public Safety Radio Equipment to Delta Wireless & Network Solutions, of Stockton, Under Homeland Security Grant Number 2008-0006 (\$362,734.18)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Information Systems Manager

---

**RECOMMENDED ACTION:** Adopt resolution awarding contract for the replacement of public safety radio equipment to Delta Wireless & Network Solutions, of Stockton, under Homeland Security Grant Number 2008-0006 (\$362,734.18).

**BACKGROUND INFORMATION:** On March 4, 2009 the Lodi City Council adopted Resolution 2009-24 accepting Federal Homeland Security grant funds in the amount of \$480,151.80 and authorizing the purchase of Police and Fire radio equipment. The City subsequently issued a Request For Proposals (RFP) on July 20, 2009.

The City's two main Fire Department transmitters are old and beyond support, as is the Police Department's secondary channel. Failure of any of this equipment could leave the City in a situation where it could not repair, but would have to make an emergency purchase to replace the affected equipment. In addition, the federal government is requiring public safety agencies to transition to narrow-band radio frequencies by January 2013. This will require the City to purchase digital radio equipment capable of using the new frequencies. This grant allows the City to purchase communications equipment it otherwise cannot afford.

In response to the federal mandate, the City of Lodi developed a radio system upgrade project that was presented to the City Council at an April 22, 2008 shirtsleeve session. The City's radio master plan is patterned after and is an adjunct to San Joaquin County's radio master plan, designed in 2004 to provide interoperable communications between various agencies in the event of an emergency. The City is signatory to the County radio master plan.

The purchase of this equipment is a vital first step towards fulfilling the requirements of the Radio Master Plan. There will remain several other important tasks to be done under the Plan, including 1) replacing a number of hand-held ("subscriber") units to be digital and on the new UHF band, 2) replacement of the radio tower and associated communication room, 3) migration of radio assets in other City departments to the UHF frequencies for interoperability, 4) establishment of a radio replacement policy, 5) utilization of City's existing fiber optic network to enhance communications between City facilities, and 6) pursue interoperability with other county agencies through the implementation of a radio trunking system.

This contract provides for the purchase of three new UHF digital transmitters that will replace both Fire channels and one Police channel. In addition to the purchase and installation of the transmitters, staff

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

also recommends including in this award the upgrading of telecommunication lines between Fire stations, adding one more repeater ("voter") site for hand-held radios, and mapping the current tower antenna configuration, all options in the winning RPF.

The City received the following three proposals:

Bidder	Location	Bid
Motorola	Stockton	\$278,765.99
Delta Wireless	Stockton	\$362,734.27*
ComTech Communications, Inc.	Sacramento	\$428,211.73

\*Price including options. Price without additional options: \$243,312.90.

Delta Wireless is the lowest bidder without the additional options. The review panel scored each RPF across a number of different metrics, and Delta Wireless was the highest scoring respondent.

The bids came in much lower than the engineer's estimate. Staff is planning to ask the grantor for use of some of the remaining funds for the purchase of equipment related to connecting each fire station through fiber optic cables, rather than leased T1 lines.

A panel of four City staff members and two from San Joaquin County reviewed the three proposals and hereby recommend that the Lodi City Council award the contract to Delta Wireless and Network Solutions, of Stockton, including all options recommended in their proposal, in the amount of \$362,734.18. As part of their proposal, Delta Wireless has requested that two purchase orders be issued: one to Motorola for the equipment (\$212,652.90), the other to Delta Wireless for the labor (\$150,081.28).

**FISCAL IMPACT:** Will save the City the cost of replacing current radio equipment and infrastructure.

**FUNDING:** Federal Homeland Security Grant \$362,734.18

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Jordan Ayers  
Deputy City Manager/Internal Services Director



**Delta Wireless Inc.**  
1700 W Fremont St.  
Stockton, Ca 95203  
209-948-9611 fax 209-948-0103  
Calif. contractors lic# 748224

Project Number **JM012210**

## SALES QUOTE

### Customer

Name	City of Lodi	Contact	Mark White
Address	310 W. Elm St	Phone	209 333 5559
City	Lodi	Fax	
State	Ca 95241	Email	
Zip		Project	Public Safety UHF Radio System Upgr

### Dates

Quote Issued	01/27/2010
Customer P.O.	

### Product/Service Name

Option (1)  
Install the equipment provided by Motorola for three new  
UHF Digital Conventional Channels  
(A separate PO must be issue to Motorola for the equipment)

### Enhancements

B. Map antenna placement and remove unused equipment  
at Lodi Tower site

C. Lower recurring monthly remote site connectivity telco cost

Quantity	Price	TOTAL
1		\$30,659.91
1		\$21,482.67
1		\$38,733.72
Subtotal Page 1		\$90,876.30
Subtotal Page 2		\$59,204.98
Subtotal Page 3		
Freight		
Subtotal		\$150,081.28
Tax		
Non Tax Labor		
Non Tax Freight		
Fuel Surcharge		
Optional 1st year labor warranty		
TOTAL		\$150,081.28

### SCOPE OF WORK:

As defined in our Sept 14, 2009 Response to your RFP, Public Safety UHF System Upgrade Request for Proposal. Please note equipment for option (1), must be purchased on a separate purchase order to Motorola.

**Sales/Offered By:** Joe Maduri  
**Title:** Sr Acct Mgr  
**Phone Number:** 916 966 6611  
**Engineered By (Initials)**

**THIS QUOTE REPRESENTS AN ENGINEERED SOLUTION AND IS PROPRIETARY AND CONFIDENTIAL**

*Quote valid for thirty (30) days after receipt*



**Delta Wireless Inc.**  
1700 W. Fremont St.  
Stockton, Ca 95203  
209-948-9611 fax 209-948-0103  
Calif. contractors lic# 748224

Project Number **JM012210**

## Terms and Conditions

### Customer

Name	City of Lodi	Contact	Mark White
Address	310 W. Elm St	Phone	209 333 5559
City	Lodi	Fax	
State	Ca 95241	Email	
Zip		Project	Public Safety UHF Radio System Upgr

### Dates

Quote Issued	01/27/2010
Customer P.O.	

### TERMS AND CONDITIONS

- 1) Installation contract:** This quote is based upon detailed information provided to Delta Wireless and Surveillance Solutions by the quoted customer. Signing this quote formally constitutes a signed contract for products and services between Delta Wireless and Surveillance solutions and customer.
- 2) Adds, moves and changes** to the scope of work described within this quote must result in a written change order signed by both parties, prior to the re-ordering or reconfiguration of any product or service provided on this quote.
- 3) Remobilization** charges (depending on distance) will be added to this quote if the vehicle and/or site are not available at the time and place, or is not in the condition or configuration described by the customer.
- 4) Used equipment** will be installed at the customer's own risk. Appearance and performance will not be improved by installation. Customers have the responsibility to inform Delta of equipment deficiencies prior to installation. Delta will be glad to provide a quote for the repair and/or replacement of any equipment.
- 5) Work stoppage:** Installations will begin only after all equipment to be installed is physically on hand and ready for installation. "Work stoppage" will begin if the customer requests "Adds, moves or changes" to this quotation. If a customer initiated "change order" results, a minimum of one hour will be charged and/or travel time assessed for the remobilization of labor on the project.
- 6) Restocking and freight:** A 25 % restocking fee will be added to the change order for any product returned by Delta, on the customer's behalf. If the equipment has already been installed and the product cannot be returned to the manufacturer, the customer must pay in full. Additional freight charges, if required will be added to the change order.
- 7) Payment for equipment due upon receipt of equipment.**
- 8) Labor payment due upon completion of contract.**
- 9) Labor warranty 30 days.**
- 10) Optional 1st year labor warranty when purchased will cover the pick-up and delivery of portables, triage of mobile, base and repeater radios and video equipment during normal business hours. Physical damage, abuse, accidents or acts of God will not be covered. No shipping charges for equipment returned to the manufacturer for repair will be covered.**
- 11) Equipment warranty: Manufactures warranty applies. All labor to trouble shoot, program, freight charges to the manufacture, and reinstallation of equipment will not be included.**
- 12) Non-Solicitation:** Customer shall not, during the term of this Agreement and for a period of two (2) years immediately following the termination of the contract, or any extension hereof, for any reason, either directly or indirectly: (a) call on, solicit, induce, recruit, or encourage any of Delta Wireless employees to leave their employment or terminate their contracts or take away such employees (b) attempt to solicit, induce, recruit, encourage or take away employees for the customer or any other person or entity; (c) call on solicit, induce, recruit or encourage any of the customers to terminate their relationships with Delta Wireless or take away such customers or (d) attempt to solicit, induce, recruit, encourage or take customer of Delta Wireless for the Customer or any other person or entity.

### CUSTOMER SIGNATURE CONSTITUTES AGREEMENT WITH DELTA WIRELESS AND NETWORK SOLUTIONS TERMS AND CONDITIONS

QUOTE AND TERMS ACCEPTED BY:

Date:

*Quote valid for thirty (30) days after receipt*



**Delta Wireless Inc.**  
1700 W. Fremont St.  
Stockton, Ca 95203  
209-948-9611 fax 209-948-0103  
Calif. contractors lic# 748224

Project Number

## Change Order Form

### Customer

Name		Contact	Mark White
Address	310 W. Elm St	Phone	209 333 5559
City	Lodi	Fax	
State	Ca 95241	Email	
Zip		Project	Public Safety UHF Radio System Upgr

### Dates

Change Issued  
Customer P.O. 01/27/2010

Product/Service Name	Quantity	Price	TOTAL
<b>Scope of Change:</b> <div></div>		<b>Subtotal</b>	
		<b>Freight (Ground)</b>	
		<b>Subtotal</b>	
		<b>Tax</b>	
		<b>Non Tax Labor</b>	
		<b>Optional 1st year labor warranty</b>	
		<b>TOTAL</b>	

### Sales/Offered By:

Title:

Phone Number:

Engineered By (Initials)

THIS CHANGE REPRESENTS AN ENGINEERED SOLUTION AND IS PROPRIETARY AND CONFIDENTIAL

25% RESTOCKING FEE

Change accepted by:

Date:

Quote valid for thirty (30) days after receipt.



**Delta Wireless Inc.**  
1700 W Fremont St.  
Stockton, Ca 95203  
209-948-9611 fax 209-948-0103  
Calif. contractors lic# 748224

Project Number **JM012210**

## SALES QUOTE

### Customer

Name City of Lodi  
Address 310 W. Elm St  
City Lodi  
State Ca 95241  
Zip

Contact Mark White  
Phone 209 333 5559  
Fax   
Email   
Project Public Safety UHF Radio System Upgr

### Dates

Quote Issued 01/27/2010  
Customer P.O.

Product/Service Name	Quantity	Price	TOTAL
D. Add a 4th Voting site in So West Lodi NOTE: This does not include installation. An installation quote will be furnished upon site selection	1		\$49,204.98
E. Installation of (D) 4th Voting Site (Not to Exceed) Based on the following parameters: 1. Antenna to be mounted on existing structure 2. Power is available at site 3. Connectivity is available 4. Antenna cable run does not exceed 100 ft.	1		\$10,000.00
Subtotal Page 2			\$59,204.98

# PAGE 2

**THIS QUOTE REPRESENTS AN ENGINEERED SOLUTION AND IS PROPRIETARY AND CONFIDENTIAL**

*Quote valid for thirty (30) days after receipt.*

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AWARDING CONTRACT FOR THE REPLACEMENT OF  
PUBLIC SAFETY RADIO EQUIPMENT, UTILIZING  
HOMELAND SECURITY GRANT NO. 2008-0006  
=====

WHEREAS, the City of Lodi was recently awarded a portion of Homeland Security Grant No. 2008-0006 for the purchase of Public Safety radio equipment; and

WHEREAS, the federal government is requiring public safety agencies to transition to narrow-band radio frequencies by January 2013; and

WHEREAS, the City will be required to purchase digital radio equipment capable of using the new frequencies and this grant allows for the purchase of communications equipment it otherwise cannot afford; and

WHEREAS, the City received proposals from ComTech Communications, Inc., Motorola, and Delta Wireless and Network Solutions; and

WHEREAS, A panel of four City staff members and two from San Joaquin County reviewed the three proposals and recommend that the Lodi City Council award the contract to Delta Wireless and Network Solutions, of Stockton, including all options recommended in their proposal, in the amount of \$352,734.27.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the replacement of public safety radio equipment to Delta Wireless & Network Solutions of Stockton, California in the amount \$352,734.27, which includes all options, utilizing Homeland Security Grant No. 2008-0006.

Date: February 17, 2010  
=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held February 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing the Lease Agreement Between the City of Lodi and the State of California, Acting By and Through its Director of General Services, with the Consent of the Military Department for the Use of the National Guard Armory Building

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Steve Dutra, Park Superintendent

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**RECOMMENDED ACTION:** Adopt resolution authorizing the lease agreement between the City of Lodi and the State of California, acting by and through its Director of General Services, with the consent of the Military Department for the use of the National Guard Armory Building.

**BACKGROUND INFORMATION:** For well over a year the City and the State of California have been discussing the potential renewal of the existing lease agreement for joint use of the Armory facility located at 333 N. Washington Street. The existing lease expired in December 2007. The City and State have negotiated terms of a five-year lease that will give the City use of the Armory through December 31, 2014.

Because the City does not currently own or operate indoor gymnasium facilities on a year-round basis, it relies upon leases and joint-use agreements to secure the facilities of other agencies in order to provide programs requiring a gymnasium. The local Armory building has hardwood flooring striped for one full-size basketball court, two small cross courts and side-by-side volleyball courts. The building houses restrooms, storage room and a common area that can be used for small meetings and waiting parents.

Elements of the lease include a five-year term with City use of approximately 10,199 square feet of the total building area of 18,507 square feet. The Department of General Services has determined the current "Fair Market Rent" for the premises at \$1,785. The State acknowledges Lessee is providing maintenance services and agrees to a \$600 in-lieu credit, making the monthly rental payment amount of \$1,185 which is an increase of \$73 per month from the previous contract as amended.

The State is requiring an administrative fee of \$3,000 for lease preparation and the lease may be terminated by the City at any time with a 90-day written notice. The lease also contains a requirement that the City will cease activities in the event of a declared national or State emergency and/or military mobilization. City of Lodi will reimburse the State for utility fees that exceed the State's average monthly expenses of \$1,158 based upon previous utility bills. National Guard personnel will provide to the City a listing of home Reserve Duty dates and the City will coordinate uses of the facility accordingly.

Should this lease be approved, Parks and Recreation will jointly use the facility under this lease for programming a variety of recreational activities for youth and adults on a year-round basis. This renewal

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

allows Lessee to "sublet." Subletting activities shall be considered "Lessee-sponsored" events. Programming will be developed to utilize the facility as fully as possible.

The Recreation Commission reviewed staff's recommendation to renew the lease agreement at its February 2, 2010, meeting (see attached minutes).

**FISCAL IMPACT:** \$1,185 per month (\$14,220 annually) Lease Payments plus utilities and administrative expenses of \$3,000.

**FUNDING AVAILABLE:** Rent is paid out of general operating account #346011.7321(Rent of Land, Facilities). Parks and Recreation recovers a portion of this cost through user fees.

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Jordan Ayers, Deputy City Manager

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James M. Rodems  
Interim Parks and Recreation Director

JMR\SD:tl

cc: City Attorney

MINUTE ORDER  
**Lodi Recreation Commission Meeting of February 2, 2010**

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REGULAR AGENDA ITEM B -  
NATIONAL GUARD ARMORY BUILDING LEASE

Mr. Dutra introduced this item. The differences between the contracts are: the rental offset for external maintenance is now \$600 instead of \$250; the rent will increase \$700 based on the States interpretation of the fair market value which includes a 50% disruption clause. The other difference is the State previously based their rental rate on property the City previously owned in the adjacent area. The lease will be going to City Council for approval at their February 17 meeting.

Mr. Rodems commended Mr. Dutra for staying with this process. Mr. Rodems stated that the previous agreement prevented us from subleasing this facility and we are now able to do this with the new agreement which will allow for additional revenue.

Mr. Dutra commended Sgt. Thomas Lane for his support through this process.

Commissioner Wall asked if the 5 year agreement is based on available funding. Commissioner Wall asked if Council did not approve the funding in the following year how does that impact the agreement. Mr. Rodems stated the funding for the rental does not come under the purview of the Council it is a program component based upon our revenues.

Commissioner Wardrobe-Fox asked if there's a rent escalator or is it a flat rate for each of the 5 years of the contract. Mr. Rodems stated it is a flat rate.

ATTEST:

Terri Lovell  
Administrative Secretary

**BUILDING SPACE LEASE**

<u>LEASE COVERING PREMISES LOCATED AT</u> LODI ARMORY 333 N. WASHINGTON STREET LODI, CA 95240
<u>AGENCY</u> MILITARY DEPARTMENT
Real Property # 604

**LEASE NO. L-2015**

This Lease dated for reference purposes only September 9, 2009, by and between the State of California, acting by and through its Director of General Services (DGS), with the consent of the Military Department, hereinafter referred to as STATE and the City of Lodi, a political subdivision of the State of California, hereinafter referred to as LESSEE.

**RECITALS**

**WHEREAS**, the STATE has under its jurisdiction, certain real property located at 333 N. Washington Street, City of Lodi, County of San Joaquin, State of California, 95240, also known as the Lodi Armory; and

**WHEREAS**, pursuant to Government Code 14670(a)(1), the Director of the Department of General Services, with the consent of the Military Department, is authorized to let State real property for a period not to exceed five (5) years if the Director deems such letting is in the best interest of the STATE; and

**NOW, THEREFORE**, it is hereby mutually agreed as follows:

**WITNESSETH:****DESCRIPTION**

1. The STATE does hereby lease to LESSEE, and LESSEE does hereby hire from STATE, upon the terms, agreements, and conditions hereinafter set forth, those certain Premises as outlines on the attached plat and floor plans designated as Exhibit "A", consisting of two (2) pages, attached hereto and made a part therein by this reference and more particularly described as follows:

Building located at 333 N. Washington Street, City of Lodi, County of San Joaquin, State of California 95240, consisting of approximately 10,199 square feet of the total building area of 18,507 square feet together with its adjacent parking lots and grounds. These areas include offices in Rooms 1 and 16 and area 20, the assembly area. LESSEE shall have exclusive use of the offices located in Rooms 1 and 16 and either Room 14 or 15 for storage. Area 20, the assembly area, lounge, kitchen, restrooms and showers may be used by both the STATE and LESSEE. The LESSEE is not allowed to use the stove in the kitchen. The Premises do not include the area designated as the armament safe which by law

DESCRIPTION (CONT)	must exclusively be used by the State of California or the United States Government.
TERM	2. The term of this Lease shall be for five (5) years, commencing January 1, 2010 and ending December 31, 2014, with such rights of termination as are hereinafter expressly set forth.
USE	3. The Premises shall be used by LESSEE, during the term hereof, for the purpose of operating community oriented recreational programs and other community oriented programs, services and related office functions and for no other purpose whatsoever.
RENT/OFFSETS	<p>4. a) DGS has determined the current "Fair Market Rent" for the Premises is ONE THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$1,785.00) per month.</p> <p>b) STATE acknowledges LESSEE is providing maintenance services to the Premises as outlined in Exhibit "B", consisting of one (1) page, attached hereto and made a part herein by reference. STATE shall provide in lieu credit of SIX HUNDRED AND NO/100 DOLLARS (\$600.00) per month to LESSEE, described in Exhibit "C", consisting of one (1) page, attached hereto and made a part hereof by reference.</p> <p>c) LESSEE shall make monthly rental payments, fair market rent less maintenance services credit, monthly in advance, on the first (1<sup>st</sup>) of each month, in the amount of ONE THOUSAND ONE HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$1,185.00).</p> <p><u>Rental payments are to made payable to:</u></p> <p style="padding-left: 40px;">Department of the Military P. O. Box 269101 (L-2015) Facilities (Box 21) Sacramento, CA 95826</p> <p>a) If at any time during the term of this Lease, should LESSEE fail to provide ongoing landscape maintenance services, such failure shall constitute forfeiture by LESSEE of all in lieu rents credits/offsets and rent will return to the original Fair Market Value of \$1,785.00.</p>
UTILITIES	5. LESSEE shall, at its sole cost and expense, reimburse the STATE for utility fees that exceed the STATE'S average monthly expenses of ONE THOUSAND ONE HUNDRED FIFTY-EIGHT AND NO/100 DOLLARS (\$1,158) based upon previous utility bills. LESSEE will be billed and will pay the STATE monthly for their portion of the prior month's utility bills. Utilities include, but are not limited to gas, electric water, sewer and trash disposal.
DEFAULT	6. LESSEE shall pay said rent to the STATE without deduction, default or delay. In the event of the failure of LESSEE to do so, or in the event of a breach of any of the other terms, covenants or conditions herein contained on the part of LESSEE to be kept and performed and if such default continues for a period of thirty (30) days after receipt of written notice from STATE to LESSEE of such default, this Lease shall be terminated.

**DEFAULT  
(CONT)**

a) In the event of termination of this Lease, it shall be lawful for STATE to reenter into and upon the premises and every part thereof and to remove and store at LESSEE'S expense all property there from and to repossess and occupy the Premises. In the event STATE terminates this Lease pursuant to this paragraph, the STATE shall not be required to pay LESSEE any sum whatsoever.

**TERMINATION**

7. The parties hereto agree that either party may terminate this Lease at any time during the term hereof by giving written notice to the other party at least ninety (90) days prior to the date when such termination shall become effective.

**BREACH**

8. In the event of a breach of this Lease by LESSEE, the STATE, in addition to any other rights or remedies it may have, shall have the immediate right of re-entry and may take possession of the Premises and every part thereof and to remove and restore, at LESSEE'S expense all property therefrom and to repossess and occupy the Premises. In the event STATE terminates this Lease pursuant to this paragraph STATE shall not be required to pay LESSEE any sum or sums whatsoever.

**HOLD OVER**

9. Any holding over after the expiration of the said term or any extension thereof, with the written consent of the STATE, expressed or implied, shall be deemed a tenancy only from month to month and all other terms and conditions of this Lease shall continue in full force and effect. Hold over rent is immediately due and payable, in advance, on the first day of the month following expiration of the term of this Lease, at the "Fair Market Rent" amount of \$1, 785.00 as referenced in Paragraph 4 "Rent". Hold over rent shall be due and payable to STATE whether or not an actual invoice is sent by STATE or received by LESSEE.

**DECLARATION  
OF EMERGENCY**

10. In the event of a Declaration of Emergency by the State or Federal government, which emergency causes it to become appropriate to use the leased Premises for the purposes of protection of the public safety and the safety of the public or preservation of STATE assets, LESSEE shall immediately and fully cooperate with STATE to make the Premises available forthwith for those purposes. LESSEE shall be compensated for any such use only by the abatement of rent liability during the period of time when the Leased Premises are unavailable to LESSEE for LESSEE'S exclusive use. LESSEE shall specifically not be entitled to compensation for 1) lost income which would be derived from the use of the Leased Premises, or 2) any liability to third parties resulting from LESSEE'S inability to meet any contractual obligations. STATE shall be responsible for restoring the Premises to its condition as existed prior to STATE'S use, as described in this section.

**JANITORIAL  
SERVICES**

11. LESSEE at LESSEE'S sole cost and expense, during the term of this Lease, shall hire janitorial services sufficient to maintain the interior of the Premises in a clean and well maintained condition and properly dispose of all trash.

**SECURITY**

12. LESSEE understands and agrees that STATE will not provide any security support for any activities on the Premises. LESSEE agrees to be responsible for security for any and all activities on the Premises, and agrees to notify the appropriate law enforcement agencies as required.

**SMOKING  
RESTRICTION**

13. Per Section 7589 Paragraph (a) of the California Government Code, no public employee or member of the Public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of any main entrance or operable window, of a public building.

**OPERATIONS  
DESIGNATE**

14. LESSEE shall designate, in writing to State, a representative who shall be responsible for the day-to-day operation, maintenance, cleanliness and general order of the Premises, and include the representative's contact information, including daytime telephone number, fax number and email address. If the said representative is not an on-site representative, LESSEE also agrees to provide the name and contact information for LESSEE'S on-site representative(s).

**ADMINISTRATION  
FEE**

15. A one-time charge of THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00) to cover STATE'S cost associated with the preparation of this Lease will be paid by LESSEE to STATE prior to execution of this Lease.

**ASSIGNMENT**

16. LESSEE shall not either voluntarily or by operation of law, assign, transfer, mortgage, pledge, hypothecate or encumber this Lease and shall not sublet the Premises, in whole or in part, or allow any person other than the LESSEE'S employees, agents, servants, and invitees to occupy or use all or any portion of the Premises without the prior written consent of the STATE, which consent shall not be unreasonably withheld.

The following shall be deemed to be an assignment or transfer within the meaning of this Lease:

a) If LESSEE is a corporation, any dissolution, merger, consolidation or other reorganization of LESSEE or sale or other transfer of a percentage of capital stock of LESSEE which results in a change of controlling persons, or the sale or other transfer of substantially all the assets of LESSEE;

b) If LESSEE is a partnership, a transfer of any interest of a general partner, a withdrawal of any general partner from the partnership or the dissolution of the partnership.

**SUBLETTING**

17. a) LESSEE may, from time to time, sublet the Premises or any part thereof. LESSEE agrees that if it enters into subletting arrangements for the use of the Premises, any activities held on the Premises shall be considered "LESSEE-sponsored" events and LESSEE and/or SUBLESSEE shall retain all liability for any accidents and/or damages to persons or understands and agrees that STATE will in no event be held liable for any accidents or damages to persons or property resulting from any "LESSEE-sponsored" activities.

b) All subletting fees, minus expenses, are to be divided between STATE and LESSEE with 40% being payable to the STATE and the LESSEE retaining the remaining 60%. LESSEE will make its records of subletting available at any reasonable time for inspection by STATE and will provide to STATE routine documentation of licensed events and accounting of funds received by LESSEE.

Payment shall be made quarterly, based upon the Lease term, to the address below:

Military Department  
P. O. Box 269101 (L-2397)  
Facilities (Box 18)  
Sacramento, CA 95826-9101

**NOTICES**

18. All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by overnight courier, or sent by registered or certified mail, postage prepaid, return receipt requested to the addresses set forth below.

All such notices or other communications shall be deemed received upon the earlier of (i) if personally delivered or sent by overnight courier, the date of delivery to the address of the person to receive such notice, or (ii) if mailed as provided above, on the date of receipt or rejection, when received by the other party if received Monday through Friday between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, so long as such day is not a state or federal holiday and otherwise on the next day provided that if the next day is Saturday, Sunday, or a state or federal holiday, such notice shall be effective on the following business day.

To the LESSEE: City of Lodi  
Parks and Recreation  
125 N. Stockton Street  
Lodi, California 95240  
(209) 333-6742

To the STATE: Department of General Services  
Real Estate Services Division – SOLD (L-2015)  
State Owned Leasing and Development  
707 Third Street, MS 505  
P. O. Box 989052  
West Sacramento, CA 95798-99052  
(916) 375-4040

To the STATE: Department of the Military  
P. O. Box 269101  
Facilities (Box 18)  
Sacramento, CA 95826  
(916) 854-3585

Notice of change of address shall be given by written notice in the manner described in this section. LESSEE is obligated to notice all state offices listed above and the failure to provide notice to all State offices will be deemed to constitute a lack of notice.

The address to which notices shall be mailed as aforesaid to either party may be changed by written notice given by subject party to the other, as hereinbefore provided; but nothing herein contained shall preclude the giving of any such notice by personal service.



**REPAIR AND  
MAINTENANCE**

19. LESSEE shall not call on STATE to make any improvements or repairs on said Premises, but LESSEE agrees to keep the same in good order and condition at its own expense. LESSEE does hereby waive all rights to make repairs at the expense of the STATE as provided in Section 1942 of the Civil Code and all rights provided for by Section 1941 of said Civil Code. LESSEE must obtain written approval from the STATE prior to commencing any improvements or repairs to the leased Premises.

a) LESSEE shall continue to maintain said Premises in good repair and tenantable condition and in compliance with all health, safety and sanitation laws, ordinances and regulations of the State of California and local authorities.

b) Nothing in this Section shall be construed to permit LESSEE to undertake any alterations, additions or improvements, to the Premises or any part thereof without first obtaining STATE'S prior written consent, including submitting plans and specification for approval prior to commencement of any construction activity on the Premises.

**PROPERTY  
INSPECTION**

20. LESSEE has visited and inspected the Premises and it is agreed that the area described herein is only approximate and the STATE does not hereby warrant or guarantee the actual area included hereunder.

**ABANDONMENT  
OF PREMISES**

21. Failure by LESSEE to occupy and/or use the Premises for a period of thirty (30) days or longer shall constitute abandonment by LESSEE. If LESSEE abandons, vacates or surrenders the Premises, or is disposed by process of law, any personal property belonging to LESSEE and left in the Premises shall be deemed to be abandoned, at the option of the STATE.

**HOLD HARMLESS  
/ CROSS  
INDEMNITY**

22. This Lease is made upon the express condition that the State of California is to be free from all liability and claims for damages by reason of any injury to any person or persons, including LESSEE, or property of any kind whatsoever and to whomsoever belonging, including LESSEE, from any cause or causes whatsoever while in, upon or in any way connected with the premises during the term of this Lease or any occupancy hereunder, except those arising out of the sole negligence of the STATE.

a) Each party agrees to indemnify and defend the other in the event of any claim, demand, cause of action, judgments, obligations or liabilities, and all reasonable litigation and attorneys' expenses which said party may suffer as a direct and proximate result of the violation of any law, breach of any terms of this Lease, negligence or other wrongful act by a party to this Lease or such party's employees, representatives, contractors, or any other person or persons acting within the direct control or authority of such party or its employees.

**INSURANCE**

23. STATE acknowledges that LESSEE is self-insured. Prior to the execution of the Lease, LESSEE shall furnish to STATE documentation verifying the required insurance limitation pursuant to item (h) of this clause and binding said insurance coverage to STATE'S Lease number L-2015.

**COMMERCIAL GENERAL LIABILITY**

Provider shall maintain Commercial General Liability and Fire Legal Liability with limits of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) aggregate for bodily injury and property damage liability combined per

**INSURANCE  
(CONT)**

occurrence. The policy shall include coverage for liabilities arising out of Premises, operations, independent contractors, products, completed operations, personal and advertising injury and liability assumed under an insured contract. It shall also include an endorsement for physical abuse and sexual molestation coverage. This insurance shall apply separately to each insured against whom claim is made or suit is brought subject to the Provider's limit of liability.

This policy must include State of California, Department of General Service and their officers, agents, employees and servants as additional insured, but insofar as the operations under this Lease are concerned.

**AUTOMOBILE LIABILITY**

The provider shall maintain motor vehicle liability with limits of not less than ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) per accident for bodily injury and property damage. The State of California and the Department of General Services are to be additional insured with respect to liability arising out of all vehicles owned, hired and non-owned.

**WORKER'S COMPENSATION**

LESSEE shall maintain statutory worker's compensation and employer's liability coverage for all its employees who will be engaged in the performance of the Lease, including special coverage extensions where applicable. Employer's liability limits of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) shall be required and the policy shall include a waiver of subrogation in favor of the State of California.

**GENERAL REQUIREMENTS**

LESSEE shall ensure that the following general requirements are met:

- a) Insurance Companies must be acceptable to the Department of General Services, Office of Risk and Insurance Management.
- b) LESSEE shall provide the STATE with a true copy of the certificate in place providing coverage for General Liability, within thirty (30) days after each insurance renewal.
- c) Coverage needs to be in-force for the complete term of the Lease. If insurance expires during the term of the Lease, a new certificate must be received by the STATE at least thirty (30) days after the expiration of the insurance. The new insurance must meet the terms of the original contract.
- d) Certificate of insurance shall contain a provision that coverage will not be cancelled without thirty (30) days prior written notice to the STATE.
- e) LESSEE is responsible for any deductible of self-insurance retention contained within the insurance program.
- f) In the event LESSEE fails to keep in effect at all times the specified insurance coverage, the STATE may, in addition to any other remedies it may have, terminate the Lease upon the occurrence of such event, subject to the provisions of the Lease.
- g) Any insurance required to be carried shall be primary, and not excess, to any other insurance carried by the STATE.

**INSURANCE  
(CONT)**

- h) When LESSEE is self-insured in whole or in part as to any of the above described types and levels of coverage, LESSEE shall provide the STATE with written acknowledgement of this fact at the time of execution of the Lease. If, at any time after the execution of the Leases, LESSEE abandons its self-insured status, LESSEE shall immediately notify STATE of this fact and shall comply with all of the terms and conditions of this Insurance paragraph 27 pertaining to policies of insurance in regard to those types and levels of insurance.

It is agreed that STATE shall not be liable for the payment of any premiums or assessments on the required insurance coverage.

**FIRE AND  
CASUALTY  
INSURANCE**

24. STATE will not keep said Premises insured against fire or casualty and LESSEE will make no claim of any nature against STATE by reason of any damage to the business or property of LESSEE in the event of damage or destruction by fire or other cause, arising other than from, or out of the sole negligence or willful misconduct of agents or employees of the State of California in the course of their employment.

**WAIVER OF  
SUBROGATION**

25. STATE and LESSEE hereby waive and right of recovery against the other as a result of loss and damage to the property of either STATE or LESSEE when such loss or damage arises out of an act of Nature or any of the property perils insurable under extended coverage, whether or not such peril has been insured, self-insured or non-insured.

**PERSONAL  
PROPERTY**

26. STATE will not be responsible for losses or damage to personal property, equipment or materials of LESSEE and all losses shall be reported to STATE immediately upon discovery.

Upon termination of this Lease for any cause, LESSEE shall remove any and all personal property and LESSEE shall restore any damage caused by said removal. Except, however, STATE may approve, in writing, any deviation from this requirement.

**COMPLIANCE  
WITH LAWS**

27. LESSEE shall, at its sole cost and expense, comply with all the laws and requirements of all Municipal, State and Federal Authorities now in force, as applicable to the United States, or which may hereafter be in force pertaining to the Premises and use of the Premises as provided by this Lease.

**RECOVERY OF  
LEGAL FEES**

28. If action is brought by the STATE for the recovery of any rent due under the provisions hereof or for any breach hereof, or to restrain the breach of any agreement contained herein, or for the recovery of possession of the Premises, or to protect any rights given to the STATE against the LESSEE, and if the STATE shall prevail in such action, the LESSEE shall pay to STATE such amount of all costs and expenses including attorney's fees in said action, as the court determines to be reasonable, which shall be fixed by the court as part of the costs of said action.

**TAXES AND  
ASSESSMENTS**

29. LESSEE agrees to pay all lawful taxes, assessments or charges which at any time may be levied upon interest in this agreement. It is understood that this Lease may create a possessory interest subject to property taxation and LESSEE may be subject to the payment of property taxes levied on such interest.

**NON-  
DISCRIMINATION**

30. In the performance of this Lease, the LESSEE shall not discriminate, harass, or allow harassment against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability (including HIV and AIDS), mental disability, medical condition, age (over 40), marital status, sex, sexual orientation, or use of family care leave. LESSEE shall insure that the evaluation and treatment of its employees and applicants for employment are free from such discrimination and harassment.

Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. LESSEE shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12990 (a-f) et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. LESSEE shall give written notice of its obligations under this clause to any labor organizations with which they have a collective bargaining or other Agreement. Further, LESSEE shall post in conspicuous places available to employees and applicants for employment, notices to be provided by the STATE setting forth the provisions of this Fair Employment Practices Section. (Government Code, Section 12920-12994).

Remedies for willful violation:

a) The STATE may determine a willful violation of the Fair Employment Practices provision to have occurred upon the receipt of a final judgment having that effect from a court in an action to which LESSEE was a party, or upon receipt of a written notice from the Fair Employment Practices Commission that it has investigated and determined that the LESSEE has violated the Fair Employment Practices Act and has issued an order pursuant to the appropriate provisions of the Government Code.

b) The STATE shall have the right to terminate this Agreement and any loss or damage sustained by the STATE by reason thereof shall be borne and paid for by the LESSEE.

**DEBT LIABILITY  
DISCLAIMER**

31. The STATE will not be liable for any debts or claims that arise from the operation of this Lease.

**PARTNERSHIP  
DISCLAIMER**

32. LESSEE and any and all agents of LESSEE shall act in an independent capacity and not as officers or employees of the STATE. Nothing herein contained shall be construed as constituting the parties herein as partners.

**ENCUMBRANCES** 33. LESSEE and STATE hereby acknowledge and agree that LESSEE does not intend to encumber by deed of trust LESSEE's interest in the Premises, for the purpose of constructing improvements thereon. Any such encumbrance is void without prior written approval from the STATE.

**HAZARDOUS  
SUBSTANCES**

34. LESSEE agrees that it will comply with all laws, either Federal, State, or local, existing during the term of this Agreement pertaining to the use, storage, transportation, and disposal of any hazardous substance as that term is defined in such applicable law.

a) In the event STATE, or any of their respective affiliates, successors, principals, employees, or agents should incur any liability, cost, or expense, including attorney's fees and costs, as a result of the LESSEE'S illegal or alleged illegal use, storage, transportation, or disposal of any hazardous substance, including any petroleum derivative, the LESSEE shall indemnify, defend, and hold harmless any of these individuals, and entities, against such liability.

b) Where the LESSEE is found to be in breach of this provision due to the issuance of a government order directing the LESSEE to cease and desist any illegal action in connection with a hazardous substance, or to remediate a contaminated condition caused by the LESSEE or any person acting under LESSEE'S direct control and authority, LESSEE shall be responsible for all costs and expenses of complying with such order, including any and all expenses imposed on or incurred by STATE in connection with or in response To such government order.

c) In the event a government order is issued naming the LESSEE, or the LESSEE incurs any liability, during or after the term of the Agreement, in connection with contamination that pre-existed, the LESSEE's obligations and occupancy under this Agreement or which were not caused by the LESSEE, STATE shall hold harmless, indemnify, and defend the LESSEE in connection therewith and shall be solely responsible as between LESSEE and STATE for all efforts and expenses therefore.

**ASBESTOS/LEAD  
BASED PAINT  
AND SEISMIC  
DISCLOSURE**

35. LESSEE, by acceptance of this Lease, is hereby notified and informed that the leased building may contain asbestos, lead based paint or may have seismic deficiencies and/or may not comply with the ADA requirements. Upon any changes or alterations to the existing structure it shall be the sole responsibility of LESSEE for any and all asbestos and/or lead based paint containment and removal requirements LESSEE acknowledges that LESSEE is leasing and accepting the building in its "as-is" condition and shall hold harmless the State of California, its officers, agents and employees of all liability which may occur to any real or personal property or persons by the presence of any asbestos currently in or on the Premises.

**EASEMENTS AND  
RIGHTS OF WAY**

36. This Lease is subject to all existing easements and rights of way. STATE further reserves the right to grant additional public utility easements as may be necessary, whether recorded or unrecorded, and LESSEE hereby consents to the granting of any such easement. Any public utility requesting an easement will be required to reimburse LESSEE for any damages caused by the construction work on the public utility easements.

**INSPECTIONS/  
AUDITS**

37. All books, account records, files and other reports relating to this agreement shall be subject at all times to inspection and audit by either party during the term of the Lease and for a period of five (5) years after completion of this agreement.

**WAIVER**

38. If the STATE waives the performance of any term, covenant or condition contained in this Lease, such waiver shall not be deemed to be a waiver of that or any subsequent term, covenant or condition. Failure by STATE to enforce any of the terms, covenants or conditions of this Lease for any length of time shall not be deemed to waive or decrease STATE's right to insist thereafter upon strict performance by LESSEE. Waiver by STATE of any term, covenant, or condition contained in this Lease may only be made by a written document properly signed by an authorized STATE representative.

**AUTHORITY**

39. If LESSEE is a public, private or non-profit corporation, each individual executing this Lease on behalf of said corporation represents and warrants that he/she is duly authorized to execute and deliver this Lease on behalf of said corporation in accordance with a duly adopted resolution of the Board of Directors of said corporation or in accordance with the Bylaws of said corporation, and that this Lease is binding upon said corporation in accordance with its terms.

a) If LESSEE is a corporation, LESSEE shall submit directly to the STATE a certified copy of the resolution of the Board of Directors of said corporation authorizing or ratifying the execution of this Lease. Said resolution shall be delivered previous to the execution of this Lease.

**FORCE MAJURE**

40. If either the LESSEE or STATE shall be delayed or prevented from the performance of any act required hereunder by reason of acts of Nature, governmental restrictions, regulations or controls (except financial inability), performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of delay. Nothing in this clause shall excuse LESSEE from prompt payment of any rents, taxes, insurance or other charge required of LESSEE, except as may be expressly provided in this Lease.

**BINDING CLAUSE**

41. The terms of this Lease and covenants and agreements herein contained shall apply to and shall bind and inure to the benefit of the heirs, representatives, assigns, and successors in interest of the parties hereto.

**SEVERABILITY**

42. If any provision of this Lease is determined to be illegal or unenforceable, this determination shall not affect any other provision of this Agreement, and all other provisions shall remain in full force and effect.

**NO SMOKING**

43. Smoking is not allowed in or upon the Premises. LESSEE will enforce the smoking prohibition inside the occupied space and within 25 feet of any entrance in regards to LESSEE's employees, customers and invitees.

**ENTIRE  
AGREEMENT**

44. This Lease, together with its exhibits, constitutes the entire agreement between STATE and LESSEE. No prior written or contemporaneous or subsequent oral promises or representations shall be binding. This Lease shall not be amended or changed except by written instrument signed by authorized representatives of the parties hereto. The provisions of this Lease shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties.

**ESSENCE OF  
TIME**

45. Time is of the essence of each and all of the provisions, covenants and conditions of this agreement.

**SECTION  
HEADINGS**

46. All section headings contained herein are for convenience of reference only, and are not intended to define or limit the scope of any provisions of this Agreement.

**COUNTERPARTS**

47. This Lease may be executed in separate counterparts, each of which when so executed, shall be deemed to be an original. Such counterparts shall, together, constitute and be one and the same instrument.

**THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK**

This Agreement, together with its exhibits, contains all the agreements of the parties hereto and supersedes any prior Agreement or negotiations. There have been no representations by the STATE or understandings made between the STATE or LESSEE other than those set forth in this Agreement and its exhibits. This Agreement may not be modified except by a written instrument duly executed by the parties hereto.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto as of the date listed below.

**STATE OF CALIFORNIA  
APPROVED:**

DIRECTOR OF DEPARTMENT OF  
GENERAL SERVICES

By: \_\_\_\_\_  
**TONY PSIHOPAIDAS**, Manager  
State Owned Leasing and Development

Date Executed: \_\_\_\_\_

**LESSEE:**

CITY OF LODI, a political subdivision  
of the State of California


By: \_\_\_\_\_

**CONSENT:**

CALIFORNIA MILITARY DEPARTMENT

By: \_\_\_\_\_  
**THOMAS E. CLARKE, CW3**  
Contracting Officer

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
City Attorney  


**APPROVAL RECOMMENDED:**

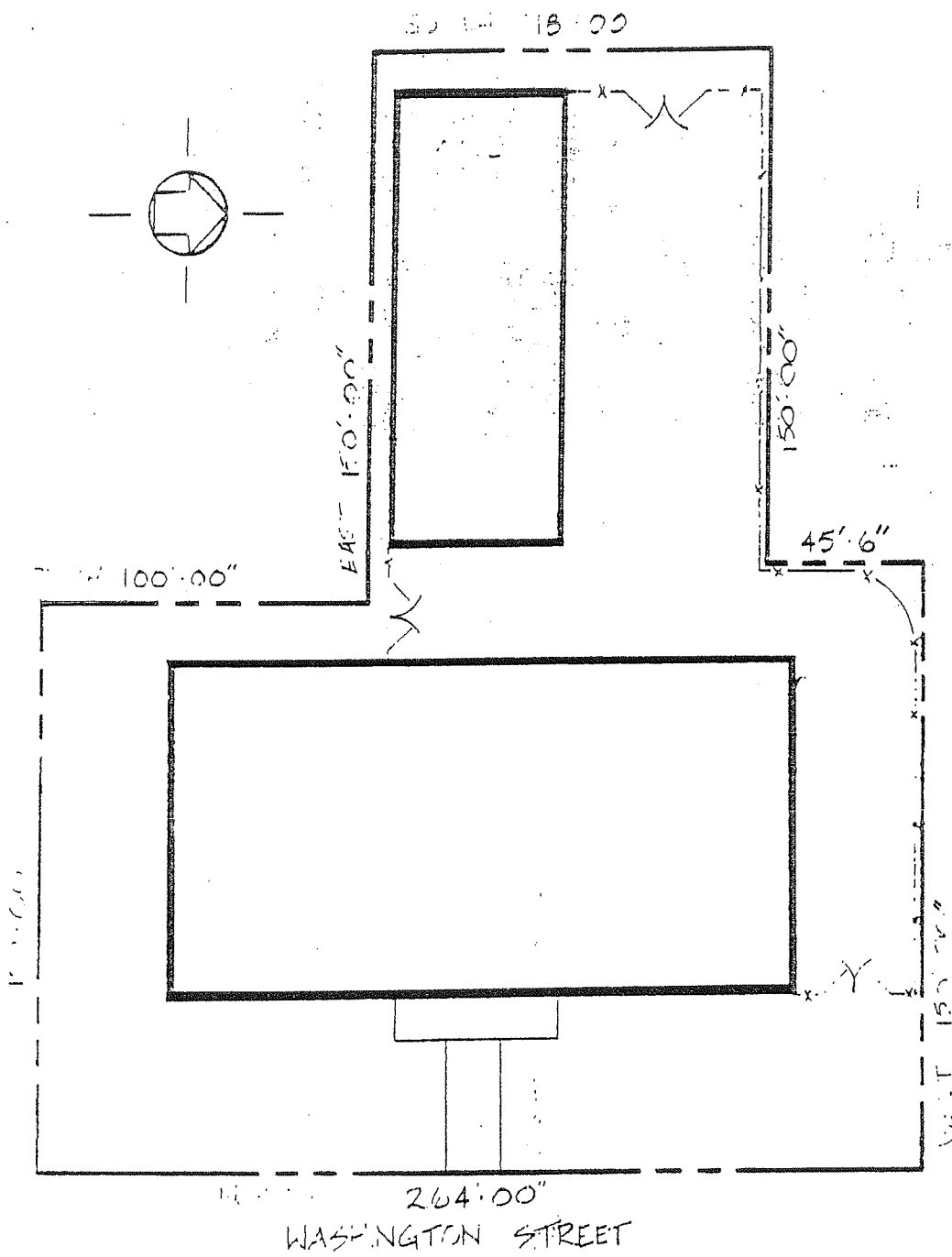
DEPARTMENT OF GENERAL SERVICES  
REAL ESTATE SERVICES

By: \_\_\_\_\_  
**JESLYN MCCOMAS**  
Associate Real Estate Officer

**ATTEST:**

By: \_\_\_\_\_  
City Clerk





LODI  
PLOT PLAN  
SCALE: 1" = 50'

EXHIBIT A

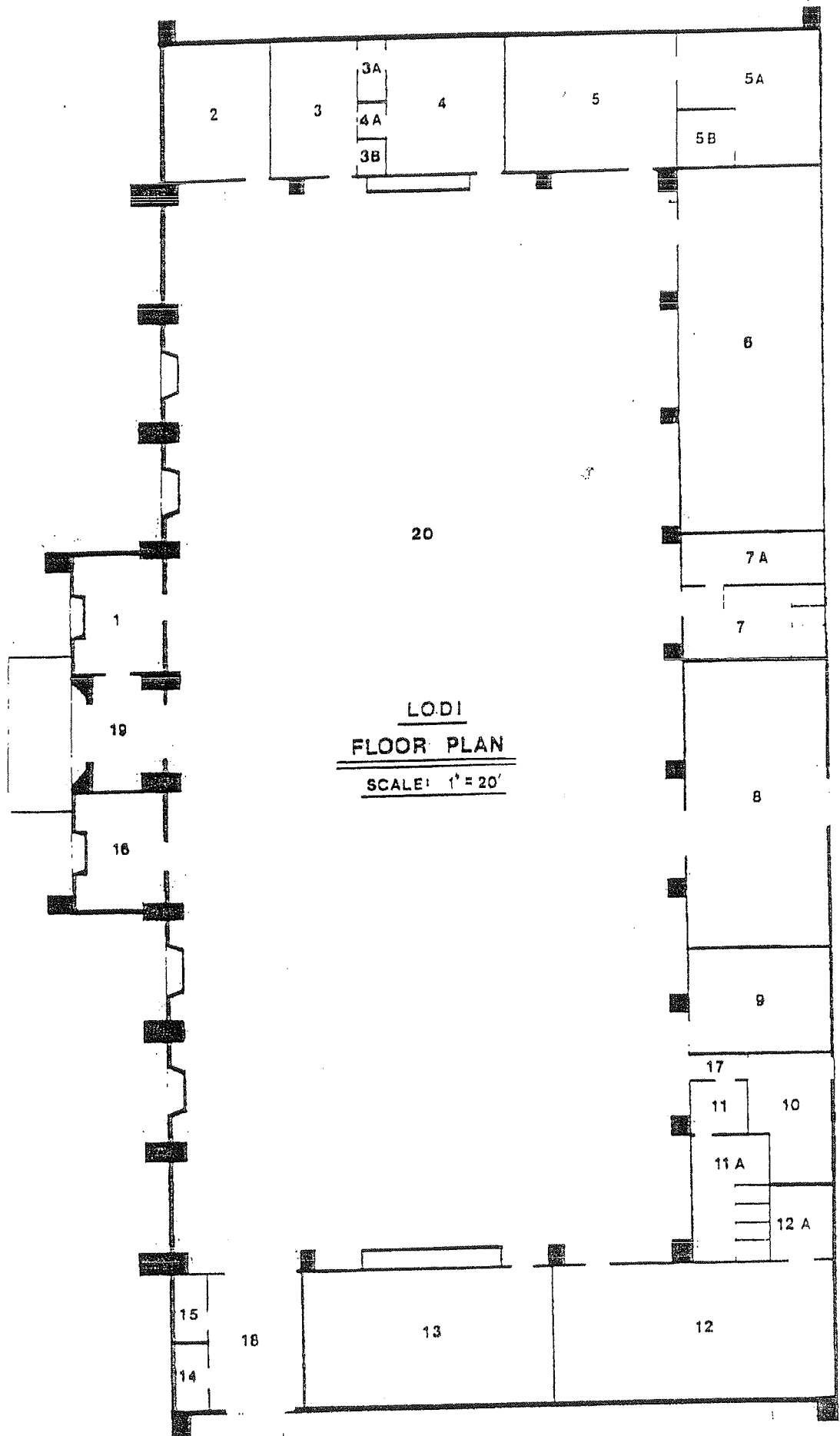


EXHIBIT A

## **EXHIBIT B / Maintenance Responsibilities**

LESSEE is responsible for maintaining the following and/or keeping them clean and in good working order and condition in accordance with the following schedule:

1. Landscaping services of the grounds surrounding premises (not including motor pool area)– to include mowing, edging, blowing, weed abatement and pruning trees/shrubs only during the growing season (approximately 43 weeks per year).
2. Gymnasium Floor: Basic cleaning such as sweeping and mopping not less than three times weekly during periods of use. (Frequency of use will be determined by mutual agreement between the LESSEE and Armory Board members.
3. Basketball backboards, rims and netting: as required
4. ADA bathrooms: Weekly sanitation and daily cleaning when in use.
6. If used, "Day" room located between the bathrooms: Basic cleaning after each use.
7. Office space used by LESSEE: weekly cleaning.
8. Trash receptacles: emptied daily during use.
9. Janitorial room: AS REQUIRED
10. Grounds maintenance: pickip and disposal of debris, trash, empty cans etc: after each use.

## EXHIBIT C

### Lodi Armory Rent Calculation:

Rent per month based on Fair Market Value (.35 x 10,199 – 50% (disruption clause)	\$1,785 (rd)
Less:	
Maintenance Allowance	<u>-600</u>
Balance:	\$1,185

Therefore, net monthly rent is \$1,185.

RESOLUTION NO. 2010-

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE  
CITY MANAGER TO EXECUTE LEASE AGREEMENT BETWEEN THE  
CITY OF LODI AND THE STATE OF CALIFORNIA, ACTING BY AND  
THROUGH ITS DIRECTOR OF GENERAL SERVICES, WITH THE  
CONSENT OF THE MILITARY DEPARTMENT FOR USE OF THE  
NATIONAL GUARD ARMORY BUILDING

=====

WHEREAS, negotiations have been ongoing between the City of Lodi and the State of California regarding a lease agreement for joint use of the Armory facility located at 333 N. Washington Street, Lodi, CA; and

WHEREAS, elements of the lease include a five-year term; City use of 10,200 square feet of common area (gymnasium area, two offices, meeting room, kitchen, restrooms, and a storage room); and a monthly lease payment of \$1,185 per month; and

WHEREAS, the building will be used for a wide variety of athletic and recreational activities for youth and adults on a year round basis. Programs include basketball, volleyball, open gym hours, and various recreational classes. Other intentions for use of the facility would include community needs and events such as dances as well; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the lease agreement between the City of Lodi and the State of California, acting by and through its Director of General Services, with the consent of the Military Department for use of the National Guard Armory building located at 333 N. Washington Street, Lodi, California, for a period of five years.

Dated: February 17, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Set Public Hearing for March 3, 2010, to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Set a public hearing for March 3, 2010, to consider the Report for Sidewalk Repairs and to confirm the report as submitted by the Public Works Department.

**BACKGROUND INFORMATION:** At the March 3, 2010 public hearing, Council will consider the Report for Sidewalk Repairs and hear protests from the public. Following the public hearing, the Council will be asked to confirm the cost of repairs report, assess the cost of repairs to the affected properties, and order the preparation of a Notice of Lien to be filed with the tax collector.

As a part of the City's sidewalk maintenance program, the City notified one property owner on October 2, 2007 and three property owners on April 17, 2008 that their sidewalks needed to be repaired. Three property owners did not perform and one property owner asked for assistance.

The Curb, Gutter and Sidewalk Maintenance Policy, approved by Council, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of 12 months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

Property owners were given up to three notices over a two-month period. If they did not make the repairs, the City's contractor repaired the sidewalk. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by property owners.

The following is a list of the four properties that received sidewalk repair notifications:

Street Address	Cost Estimate	Work Accomplished
1606 South School Street	\$4,024	Property owner hired City. Work completed January 2008. Property owner paid City portion of cost (\$1,010)
2013 Aspen Grove Drive	\$5,070	Failed to perform. City completed repair; billed property owner.
224 North Orange Street	\$3,591	Failed to perform. City completed repair; billed property owner.
831 Ehrhardt Drive	\$4,214	Failed to perform. City completed repair; billed property owner.

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. To date, there have been four properties that have had a Notice of Lien turned over to the Tax Collector, one of which was released January 16, 2009 after payment was received. It is staff's recommendation that this current practice be continued and Notice of Lien's for the four properties be turned over to the Tax Collector.

**FISCAL IMPACT:** Placing liens on the properties will ensure that the Street Fund will be reimbursed approximately \$16,899 plus interest for the cost of repairing the sidewalks.

**FUNDING AVAILABLE:** None required.

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F. Wally Sandelin  
Public Works Director

Prepared by Rebecca Areida-Yadav, Management Analyst

FWS/RAY/pmf

cc: Streets and Drainage Superintendent



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Set Public Hearing for March 17, 2010, to Adopt Federal Fiscal Year 2010 Program of Transit Projects

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Set a public hearing for March 17, 2010, to adopt the Federal Fiscal Year 2010 Program of Transit Projects.

**BACKGROUND INFORMATION:** The City of Lodi is required to hold a public hearing to allow the public an opportunity to comment on the City's transit projects funded by the Federal Transit Administration (FTA). In the past, very few, if any, comments have been given regarding the use of federal funds for transit projects. Staff expects the same this year. The City of Galt will adopt its own Program of Projects for their portion of the funding. The notice of public hearing addressing Federal Fiscal Year 2010 Program of Transit Projects will be published in the *Lodi News Sentinel*. For FFY 2010, the program of projects for the City of Lodi is as follows:

**FFY 2010 Section 5307 Funds:**

Operations for City of Lodi for 2009/10	\$1,217,047
Total	\$1,217,047

**FISCAL IMPACT:** This will allow the City of Lodi to claim and receive FTA funding for the Federal Fiscal Year 2010. These funds will pay for ongoing operations.

**FUNDING AVAILABLE:** None required.

\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer  
FWS/PJF/pmf

cc: Supervising Accountant  
Transportation Manager

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



## Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Receive Comments on the Lodi General Plan and Consider Adopting Resolution Certifying the Final Environmental Impact Report.

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Community Development Director

---

**RECOMMENDED ACTION:**

- 1) Open public hearing to receive comments on the Lodi General Plan and Final Environmental Impact Report.
- 2) Close public hearing.
- 3) Adopt Resolution certifying the Final Environmental Impact Report.

**BACKGROUND INFORMATION:** The City Council received a presentation on the Draft Environmental Impact Report (DEIR) and General Plan at the January 6<sup>th</sup> meeting. The City Council received one public comment at the meeting from Mr. Bruce Fry regarding land use designations for property south of Harney Lane. Subsequent to the meeting, the public comment period closed for comments related to the DEIR. We received 44 comments from a combination of citizens and public agencies during the 45-day review period. The attached Final Environmental Impact Report (FEIR) represents the responses to those comments and proposed revisions to the DEIR.

If the City Council is satisfied with the document, we have provided a Resolution for your consideration to certify the FEIR. This Resolution contains the required findings as well as Statements of Overriding Consideration which the City Council is not being asked to adopt the General Plan at this time. We are waiting for comments from the San Joaquin Valley Air Pollution Control District. Additionally, we would like to accept any further comment and direction from the City Council in order to prepare the Final Plan which will contain all of the edits and revisions from the environmental process as well as public comment received to date. I anticipate having this work completed for the City Council meeting on April 7, 2010.

As with all EIR's, this document assesses the potential impacts the proposed General Plan may have on specific environmental topics. This has been done on a program level rather than the detail that the City Council may be used to with specific development projects. As a result of the public comment on the DEIR, there are revisions/edits that are being proposed in this FEIR as follows:

## Revisions to the Draft EIR

<i>Section</i>	<i>Page</i>	<i>Correction</i>
3.2	3.2-15	The second sentence of the first paragraph is amended as follows: Table 3.2-4 presents the existing and projected (2030) traffic volumes and LOS for individual roadway segments throughout the city.
3.2	3.2-21	Add paragraph following Table 3.2-4: <u>Future (2030) traffic volumes and LOS values were assessed for two additional north-south segments, between Harney Lane and Armstrong Road:</u> <ul style="list-style-type: none"> <li>• <u>Lower Sacramento Rd: 24,500, LOS B</u></li> <li>• <u>West Lane: 28,500, LOS D</u></li> </ul> <u>Existing daily traffic volumes and LOS were not assessed. These additional segments do not alter the conclusions presented in the Draft EIR regarding significant environmental impacts and therefore do not trigger recirculation</u>
3.2	3.2-22	The following text is added after the first paragraph of the Impact Methodology section. The referenced Table 3.2-4A may be found at this end of this chapter. <u>The traffic demand forecasting model summarizes land uses, street network, travel characteristics, and other key factors. Using these data, the model performs a series of calculations to determine the amount of trips generated, where each trip begins and ends, and the route taken by the trip. Trip generation is estimated by land use, using factors, as described in a new table, Table 3.2-4A. These trips are aggregated to determine daily traffic volumes and total vehicle trips in addition to other outcomes.</u>
3.7	3.7-1	The <del>Gomanche</del> <u>Camanche</u> Reservoir is located on the Mokelumne River approximately 20 miles northeast of the Planning Area (City of Lodi, 1988; Department of Water Resources, 2006).
3.7-4		A second map is added to this page to show groundwater basins. This new map, Figure 7.2-1A is appended at the end of this section.
3.13-15		The following text is added after the third paragraph under the heading "Policies and Mitigations:" <u>Third, the City's Water Conservation Ordinance promotes water conservation by restricting water of landscaping to certain days and hours. (For example, odd numbered street addresses may only water landscaping on Wednesdays, Fridays and Sundays, and watering between May 1 and September 30, between 10AM and 6PM is prohibited.) The ordinance also specifies enforcement procedures, including sanctions for non-compliance. Most importantly, in relation to dry year scenarios, the ordinance also permits the City to place additional restrictions on water use in an emergency situation to manage water pressure and/or supply demands.</u>

## Significant and Unavoidable Impacts

Pursuant to the California Environmental Quality Act (CEQA), EIR's are required to provide a summary of those impacts which are considered significant and unavoidable. This is Section 5.3 of the DEIR and summarized in the table below. As the City Council is aware, in order for the project (in this case the General Plan) to move forward, the Resolution to certify the FEIR must contain reasons why the benefits of the General Plan outweigh the significant unavoidable impacts. These are considered Statements of Overriding Considerations.

**Summary of Significant and Unavoidable Impacts**

<i>#</i>	<i>Impact</i>	<i>Proposed General Policies that Reduce the Impact</i>	<i>Significance</i>	<i>Mitigation</i>
3.2	Traffic and Circulation			
3.2-1	The proposed General Plan would result in a substantial increase in vehicular traffic that would cause certain facilities to exceed level of service standards established by the governing agency.	T-G1, T-P1, T-P2, T-P3, T-P4, T-PNEW, T-NEW, T-P8, T-NEW, T-P9, T-P10, T-P13, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P22, T-P24, T-P25, T-P27, T-P-28, T-P29, T-P43, T-P44, T-P45	Significant and Unavoidable	No feasible mitigation is currently available.
3.2-2	The proposed General Plan may adversely affect emergency access.	T-P1, T-P2, T-P8, T-P9, T-P10	Significant and Unavoidable	No mitigation measures are feasible.
3.2-3	The proposed General Plan may conflict with adopted policies, plans, or programs supporting alternative transportation modes.	T-G1, T-P8, T-P9, T-P10, T-P13, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P22, T-P24, T-P25, T-P27, T-P28, T-P29, T-P43, T-P44, T-P45, T-G2, T-G3, T-G4, T-G5, T-P11, T-P12, T-P21, T-P23, T-P26, T-P30, T-P38, T-P39	Significant and Unavoidable	No feasible mitigation is currently available.
3.3	Agriculture and Soil Resources			
3.3-1	Buildout of the proposed General Plan would convert substantial amounts of Important Farmland to non-agricultural use.	C-G1, C-G2, C-P1, C-P2, C-P3, C-P4, C-P5, C-P6, C-P7, C-P8, GM-G1, GM-P2	Significant and Unavoidable	Not directly mitigable aside from preventing development altogether
3.6	Climate Change and Greenhouse Gases			
3.6-1	Implementation of the proposed General Plan would increase total carbon dioxide equivalent emissions in Lodi, compared to existing conditions.	LU-G1, LU-G2, LU-G3, LU-G1, LU-G4, LU-P2, LU-P3, LU-P6, LU-P18, LU-P25, LU-P26, LU-P27, GM-G1, GM-G2, GM-G3, GM-P1, GM-P2, GM-P3, GM-P4, GM-P6, CD-G1, CD-P1, CD-G-4, CD-G-5, CD-P31, CD-P21, CD-P24, T-G2, T-G4, T-P13, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P23, T-P25, T-P28, T-P29, GM-P11, GM-P13, GM-P14, GM-P15, CD-G8, CD-G9, CD-P38, CD-P39, CD-P40, CD-P32, C-P39, C-PNEW, C-PNEW, C-P37, C-P38, C-P40, C-P42, GM-P19, CD-P15, CD-P16, CD-P19, C-P43, C-P44, C-P45, C-P41, C-G9, C-G10, C-P36, T-G8, T-P43, T-P44, T-P45, GM-P17, GM-P18	Overall Significant Cumulative Impact, Project Contribution Cumulatively Considerable	No feasible mitigation measures are currently available

3.8	Air Quality			
3.8-1	Implementation of the proposed General Plan could result in a cumulatively considerable net increase of criteria pollutants which may conflict with or violate an applicable air quality plan, air quality standard or contribute substantially to an existing or projected air quality violation.	C-P46, C-P47, C-P48, C-P49, C-P50, C-P51, C-P52, C-P53, C-P54, C-P55, C-P56, C-P57, T-G4, T-G5, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P21, T-P22, T-P23, T-P24, T-P25, T-P26, T-P27, T-P28, T-P29, T-P38, T-P39, T-P43, T-P44, T-P45	Significant and Unavoidable	No feasible mitigation measures are currently available.
3.8-2	Buildout of the proposed General Plan could expose sensitive receptors to substantial pollutant concentrations.	C-P46, C-P47, C-P48, C-P49, C-P50, C-P51, C-P52, C-P53, C-P54, C-P55, C-P56, C-P57, T-G4, T-G5, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P21, T-P22, T-P23, T-P24, T-P25, T-P26, T-P27, T-P28, T-P29, T-P38, T-P39, T-P43, T-P44, T-P45	Significant and Unavoidable	No feasible mitigation measures are currently available.
3.11	Noise			
3.11-1	Implementation of the proposed General Plan could result in a substantial permanent increase in ambient noise levels.	N-P1, N-P2, N-P3, N-P4, N-P5, N-P6, N-P7, N-P8, N-P9, N-P10, N-PNEW	Significant and Unavoidable	No feasible mitigation measures are currently available.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** N/A

---

Konradt Bartlam  
Community Development Director

KB/kjc  
Attachments:  
Final Environmental Impact Report, February, 2010  
Draft Resolution



# **LODI GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT**

**SCH# 2009022075**

**CITY OF LODI FEBRUARY 2010**

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**LODI GENERAL PLAN**  
**FINAL ENVIRONMENTAL IMPACT REPORT**  
**SCH# 2009022075**

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**CITY OF LODI FEBRUARY 2010**



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# **I Introduction**

This Program Final Environmental Impact Report (EIR) has been prepared by the City of Lodi (City) in accordance with the California Environmental Quality Act (CEQA). The City is the lead agency responsible for ensuring that the proposed Lodi General Plan (General Plan) complies with CEQA.

## **PURPOSE**

The Final EIR includes the Draft EIR and this document, which includes Comments on and Responses to Comments on the Draft EIR, and minor corrections and clarifications to the Draft EIR. It is intended to disclose to City decision makers, responsible agencies, organizations, and the general public, the potential impacts of implementing the proposed General Plan. This program level analysis addresses potential impacts of activities associated with implementation of the General Plan, which are described in Chapter 2: Project Description, of the Draft EIR.

The primary purpose of the Final EIR is to revise and refine the environmental analysis in the Draft EIR, published November 25, 2009, in response to comments received during the 45-day public review period. The review period for the Draft EIR (State Clearinghouse No. 2006022008) was from November 25, 2009 to January 11, 2010. This document, combined with the Draft EIR, constitutes the Final EIR on the project. This Final EIR amends and incorporates by reference the Draft EIR, which is available as a separately-bound document from the City of Lodi Community Development Department, 221 W. Pine Street, in Lodi, and also available on the Internet at [http://www.lodi.gov/community\\_development/general\\_plan/reports.htm](http://www.lodi.gov/community_development/general_plan/reports.htm).

The Draft EIR contains some impacts that are significant and unavoidable despite extensive mitigating policies, specifically impacts to traffic and circulation, agricultural resources, climate change and greenhouse gases, air quality, and noise. Other potentially significant impacts can be avoided or reduced to levels that are not significant through implementation of the policies identified in the Draft EIR.

## **ORGANIZATION**

This document contains the following components:

- Chapter 2 lists all of the agencies and individuals that submitted written comments on the Draft EIR; reproduces all comments and provides a unique number for each EIR comment in the page margin.
- Chapter 3 provides responses to comments, numbered, and in order according to the comments in Chapter 2.
- Chapter 4 lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR. Additional tables and graphics appear at the end of this chapter, also in the same order that they would appear in the Draft EIR.

## **PROCESS**

Upon publication of the Final EIR, the City Council will hold a public hearing to certify the EIR and to consider adoption of the proposed General Plan. The City Council will determine the adequacy of the Final EIR, and, if determined adequate, will certify the document as compliant with CEQA. For impacts identified in the EIR that cannot be reduced to a level that is less than significant, the City must make findings and prepare a Statement of Overriding Considerations for approval of the Project if specific social, economic, or other factors justify the proposed Project's unavoidable adverse environmental effects.

If the City decides to approve the proposed Project for which the Final EIR has been prepared, it will issue a Notice of Determination.

Copies of the Final EIR have been provided to agencies and other parties that commented on the Draft EIR or have requested the Final EIR. The Final EIR is also available at the City of Lodi Community Development Department, 221 W. Pine Street, in Lodi and the City's website at: [http://www.lodi.gov/community\\_development/general\\_plan/reports.htm](http://www.lodi.gov/community_development/general_plan/reports.htm).

## 2 Comments on the Draft EIR

This chapter contains copies of the comment letters and oral comments received on the Draft EIR of the proposed General Plan. A total of 44 comments were received during the 45-day comment period. Additionally, oral comments were heard at a Planning Commission public hearing on the Draft EIR, on December 9, 2009. Each comment letter is numbered, and each individual comment is assigned a number in the page margin. Responses to each comment are provided in Chapter 3 of this document. Please note that only comments on the Draft EIR are addressed in this Final EIR. Where comments are on the merits of the proposed General Plan rather than on the Draft EIR, this is noted in the response. Where appropriate, the information and/or revisions suggested in these comment letters have been incorporated into the Final EIR. These revisions are included in Chapter 4 of this document.

### Comments Received on the Proposed Lodi General Plan

Letter #	Date	Agency/Organization	Commenter
<i>Public Agencies (Federal, State Regional, Local)</i>			
A1	December 14, 2009	Central Valley Flood Protection	James Herota
A2	January 6, 2010	Department of Transportation	Tom Dumas
A3	January 8, 2010	Public Utilities Commission	Moses Stites
A4	January 11, 2010	City of Stockton	Kevin O'Rourke
A5	January 11, 2010	San Joaquin Council of Governments	Dana Cowell
A6	January 11, 2010	San Joaquin Council of Governments	Dana Cowell
A7	January 11, 2010	San Joaquin County: Community Development Department	Kerry Sullivan
<i>Organizations/Individuals</i>			
B1	December 9, 2009		Jane Wagner-Tyack
B2	January 8, 2010	Herum/Crabtree Attorneys	Steven A. Herum
B3			Bruce Fry
B4	January 10, 2010		Joseph L. Manassero
B5	January 10, 2010		Catherine T. Manassero
B6	January 10, 2010		Michael J. Manassero
B7	January 10, 2010		Patricia M. Manassero
B8	January 10, 2010		Jack D. Ward
B9	January 10, 2010		Joseph Kaehler
B10	January 10, 2010		Illegible name
B11	January 10, 2010		John Kaehler
B12	January 10, 2010		Illegible name
B13	January 10, 2010		Grace Puccinelli
B14	January 10, 2010		Illegible name

**Comments Received on the Proposed Lodi General Plan**

<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>
B15	January 10, 2010		Illegible name
B16	January 10, 2010		Douglass Manassero
B17	January 10, 2010		Illegible name
B18	January 10, 2010		Illegible name
B19	January 10, 2010		Illegible name
B20	January 10, 2010		Illegible name
B21	January 10, 2010		Illegible name
B22	January 10, 2010		Steve J. Borra Jr.
B23	January 10, 2010		Beverly Borra
B24	January 10, 2010		Lucille Borra
B25	January 10, 2010		Gary Tsutsumi
B26	January 10, 2010		Illegible name
B27	January 10, 2010		Illegible name
B28	January 10, 2010		Illegible name
B29	January 10, 2010		Illegible name
B30	January 10, 2010		Thomas Gooding
B31	January 10, 2010		Louise Gooding
B32	January 10, 2010		Illegible name
B33	January 10, 2010	Diede Construction, Inc	Mike Mason
B34	January 10, 2010	Diede Construction, Inc	Jake Diede
B35	January 10, 2010	Diede Construction, Inc	Steven L. Diede
B36	January 10, 2010	Diede Construction, Inc	Izzac Ramirez
B37	January 10, 2010	Diede Construction, Inc	Robert Lee
<i>Oral Testimony (C)</i>			
C1	December 9, 2009	Planning Commission Hearing	

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. LL40  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0685 FAX: (916) 574-0682

**RECEIVED**

DEC 15 2009

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

December 14, 2009

Konradt Bartlam  
City of Lodi  
Planning Division  
221 West Pine Street  
Lodi, CA 95241

Dear Mr. Bartlam:

State Clearinghouse (SCH) Number: 2009022075  
City of Lodi General Plan Update  
EIR - Draft EIR

Staff for the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board (Formerly known as The Reclamation Board). The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A1-1

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (Title 23, California Code of Regulations CCR Section 131).

December 14, 2009  
Konradt Bartlam  
Page 2 of 2

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvpfb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

If you have any questions please contact me at (916) 574-0651 or by email [jherota@water.ca.gov](mailto:jherota@water.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "James Herota".

James Herota  
Staff Environmental Scientist  
Floodway Protection Section

cc:

Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814



DEPARTMENT OF TRANSPORTATION  
DISTRICT 10  
P.O. BOX 2048, STOCKTON, CA 95201  
(1976 E. DR. MARTIN LUTHER KING JR. BLVD., 95205  
PHONE (209) 948-7943  
FAX (209) 948-3670  
TTY 711

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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

*Flex your power!  
Be energy efficient!*

January 6, 2010

10-SJ-Various  
City of Lodi  
General Plan Update  
SCH 2009022075

Mr. Rad Bartham  
City of Lodi  
Planning Division  
221 West Pine Street  
Lodi, CA 95241

Dear Mr. Bartham:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the City of Lodi General Plan. The Department has the following comments:

### Traffic Operations Comments

1. Refer to Page 3.2-25, Proposed General Plan Policies that Reduce the Impact Section T-NEW. This section discusses applying a standard of Level of Service (LOS) E during peak hour conditions on all streets in the City's jurisdiction. Please remember State Route 12 (Kettleman Lane) is a Caltrans State Highway and the minimum LOS standard is D. A2-1
2. Refer to page 3.2-9, *Trucking*. We would like the City of Lodi STAA Truck Routes Map included in the Lodi General Plan. A2-2
3. In order to maintain the integrity of the State Highway System (SHS), proposed developments with potential impact to the SHS will need to be reviewed by Caltrans. Projects impacting the State Highway System may require a Traffic Impact Study (TIS) in order to determine the operational mitigation measures necessary to remediate the identified transportation impacts. The TIS will need to be completed per Caltrans' Guide for the Preparation of Traffic Impact Studies, December 2002. The TIS should include all approved and pending projects within the vicinity. A2-3



A2-4

4. Please remember, the City of Lodi General Plan should be consistent with Caltrans' Ramp Metering, HOV, and Park-and-Ride Plan as a means to further reduce traffic congestion.

#### Travel Forecasting Comments:

A2-5

1. **Table ES-1: General Plan Population, and Employment Potential** - The housing, population and employment in the General Plan appear to be inconsistent with SJCOG underlying data. The date in the DEIR for the proposed City of Lodi General Plan Update is higher than SJCOG's underlying data. Regardless of which alternative is chosen, Caltrans recommends the City of Lodi work with SJCOG to update the regional land use projections in the next RTP by incorporating the higher numbers in the Lodi General Plan Update. This will ensure approved transportation projects with regional impacts can be accurately identified and properly mitigated.

A2-6

2. **Table 3.1-2: Housing Units, by Type** - Please clarify what type of units "2 to 4 units" and "5 or More Units" are so that we can determine the trip generation.

A2-7

3. **Table 3.2-1: Average Daily Traffic Volumes and LOS Thresholds** – Please specify what highways under "Facility Type" and amount of truck volumes under "Daily Volume".

A2-8

4. **Table 3.2-3: Citywide Transportation Analysis Results for the Proposed General Plan** – Please explain how "Total Vehicle Trips" were computed and provide trip generation tables.

A2-9

5. **Table 3.2-4: Existing and Proposed General Plan Average Daily Traffic Volumes and Levels of Service** – Please explain how the "Proposed General Plan Daily Traffic Volume" was forecasted and to what year. The DEIR shows existing daily traffic volumes for SR-99 NB/SB Eight Mile Rd. to Armstrong to be 53,000 and the 2008 Caltrans ADT volumes at this same location show 62,000. Please explain this substantial difference.

A2-10

6. The Department requests that the DEIR address the potential traffic impacts of the City of Lodi's growth on SR 99 and Interstate 5. It is recommended that a traffic mitigation "fair share" fee program be considered with the adopting of the General Plan to address Lodi's growth impacts on the State Highway Transportation System. These projects should be clearly identified as funded through the impact fee program in the DEIR. For example, not mentioned in the DEIR are SR-99

New Capacity projects. The widening of SJ99 four to six lanes from Junction 12 east to the Sacramento County line. The SJ-99 four to six lane widening from north of Harney Lane to junction Highway 12 east was also not mentioned.

7. **Air Quality** – Please send the DEIR to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for review.

A2-11

**System & Advanced Planning Comments:**

1. In addition to multimodal and Travel Demand Modeling measures to reduce traffic, please consider other methods to maintain and enhance level of service (LOS) standards on State Routes through Lodi such as access management, site design, and on-site development circulation.

A2-12

2. In order to accommodate future growth in the city and surrounding areas, please remember to insure and preserve adequate right of way for future State Route improvements to the mainline, ramps and bridges, light rail, and off-road bike, pedestrian trails.

A2-13

3. The following items were left out of the City of Lodi General Plan Update, but should be included in future General Plan Updates:

A2-14

- Provision of a truck route map in the document which includes how plans are being made to link major industrial centers and shopping centers to rail line distribution centers, and STAA truck routes and establish where there are all significant STAA truck route gaps. Delineate all gaps on a map, and establish methodologies including funding as to how these gaps will be addressed over a specific time period.
- Include discussion of what efforts are being made with adjacent jurisdictions to provide connectivity for larger sized or STAA trucks.

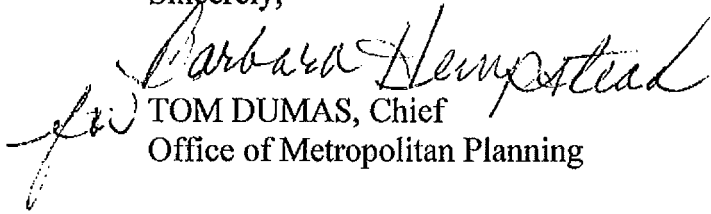
<Mr. Rad Bartham>

<January 11, 2010

<Page 4

Thank you for continuing to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur within this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future State transportation facilities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Hempstead". To the left of the signature, there is a small, stylized handwritten mark that looks like "for".

TOM DUMAS, Chief  
Office of Metropolitan Planning

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 8, 2010

Konradt Bartlam  
City of Lodi  
221 W Pine Street  
Lodi, CA 95240

Re: Notice of Completion-Draft Environmental Impact Report (DEIR)  
SCH # 2009022075-City of Lodi General Plan Update

RECEIVED  
JAN 11 2010  
COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Dear Mr. Bartlam:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

We concur with the City of Lodi in addressing rail safety in the DEIR;

On pages 2-16-17, Community Design and Livability, Transportation, Improve railroad crossings to minimize safety hazards and allow for additional capacity improvements.

Page 2-19, Support grade separated railroad crossings, where feasible and other appropriate measures adjacent to railroad tracks to ensure the safety of the community.

Page 3-2-22, Traffic and Circulation section under Significance criteria, implementation of the proposed General Plan would have a potentially significant transportation/traffic if it would; Conflict with adopted policies, plans or programs supporting alternative transportation modes, such as rail transit, buses, bicycles, vanpools and walking.

We recommend that the City incorporate any improvements to the at-grade railroad crossings and rail corridors into the existing City mitigation fee program to ensure that improvements get programmed with an actual funding mechanism. This will also address project specific and cumulative impacts of new development projects to rail facilities. Otherwise, the burden could eventually fall on one project or the City, depending on the level of significance and or safety concerns. This could potentially affect the entitlement process for future development projects according to CEQA.

Konradt Bartlam  
City of Lodi  
SCH # 2009022075  
January 8, 2010  
Page 2 of 2

Thank you for your consideration of these comments. If you have any questions in this matter, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Moses Stites".

Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814





# CITY OF STOCKTON

## OFFICE OF THE CITY MANAGER

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997 • 209 / 937-8212 • Fax 209 / 937-7149  
www.stocktongov.com

January 11, 2010

Rad Bartlam  
Community Development Director  
City of Lodi  
P. O. Box 3006  
Lodi, CA 95241

### **CITY OF STOCKTON COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF LODI GENERAL PLAN**

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the above-noted General Plan. Staff respectfully offers the following comments:

1. Land Use Policies: To ensure that future growth will proceed in an orderly manner, Lodi has proposed to designate an Urban Reserve Boundary (URB) beyond the existing City limits shown on the Land Use Diagram. We recommend that the following land use policies or measures for the URB be included in the General Plan and the DEIR:
  - (1) that Lodi expands the URB only when applicable General Plan policies can be met and appropriate services and adequate infrastructure can be provided; and
  - (2) future urban development in the URB be in conformance with Lodi's adopted master utility and circulation plans.
2. Land Use Policies, Growth Management and Infrastructure: Stockton's adopted General Plan has designated an open space/agricultural land use along the northern boundary as a buffer zone between the City of Stockton and the City of Lodi. We recommend that Lodi also take into consideration the same land use designation up to its southern Sphere of Influence boundary in order to provide a more meaningful and effective greenbelt buffer.
3. The DEIR indicates that the Armstrong Road Agricultural Cluster Study Area will be designated with agricultural, open space or large-lot rural residential use to ensure maintenance of this area as greenbelt. For consistency purposes, the proposed study area on the land use diagram should reflect this policy and show a future land use designation in that area.

A4-1

A4-2

A4-3

**Comments on the DEIR for City of Lodi General Plan**

**January 11, 2010**

**Page 2 of 2**

**A4-4**

4. Traffic and Circulation: It appears that the traffic analysis did not consider potential impacts to arterial roadways including Lower Sacramento Road and West Lane south of Harney Lane, which is within the proposed Lodi General Plan boundaries and should be to Armstrong Road.

**A4-5**

5. Public Facilities: In order to provide protection to the public through effective fire protection services and the incorporation of the fire safety features in new and existing development, the General Plan and the DEIR should include a fire response time which may be used to determine future fire station needs under Growth Management and Infrastructure Element Policies.

Should you have any questions regarding this matter, please do not hesitate to contact me at 937-8212 or Community Development Director Mike Niblock at 937-8444.



KEVIN O'ROURKE  
INTERIM CITY MANAGER

LM:mmn:sis

emc: Mayor and City Council  
Ren Nosky, City Attorney  
Guy Petzold, Deputy City Attorney  
Michael M. Niblock, Community Development Director  
Gregg S. Meissner, Deputy Director/Community Development Department-  
Planning and Engineering Services Division  
Mark J. Madison, Director of Municipal Utilities Department  
Robert Murdoch, Interim Director of Public Works Department  
Matt Duaine, Fire Prevention Chief  
Blair Ullring, Police Chief of Police Department  
David Stagnaro, AICP, Planning Manager  
Michael McDowell, Planning Manager  
Jenny Liaw, Senior Planner



## SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.235.0600 • 209.235.0438(fax)

www.sjcog.org

January 11, 2010

*Larry Hansen*  
CHAIR

*Ann Johnston*  
VICE CHAIR

*Andrew T. Chesley*  
EXECUTIVE DIRECTOR

Mr. Rad Bartlam  
Community Development Director  
City of Lodi  
P.O. Box 3006, Lodi, CA 95241

*Member Agencies:*  
CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

Dear Mr. Bartlam.

**Re: ALUC Review - City of Lodi's Draft Environmental Impact Report (DEIR)  
Lodi General Plan: SCH# 2009022075**

Thank you for the opportunity to comment on this important document. The San Joaquin Council of Governments, in carrying out the duties of the County's Airport Land Use Commission (ALUC), has reviewed the above-referenced document with respect to safety and regional aviation land use planning pursuant to the California Environmental Quality Act (CEQA). The following comments are offered on behalf of the ALUC:

- 1) As discussed with the DEIR, there are two public use airports that are located within the planning boundaries of Lodi's General Plan; Lodi Airpark and Kingdon Executive Airport. The 2009 Airport Land Use Compatibility Plan (ALUCP) gives detailed information on the existing and future operations of these two airports. Also within the ALUCP, zones of compatible land uses have been established surrounding each respective airport's "Area of Influence" (AIA). Special commendation is noted for including the recently approved compatibility map in the DEIR and incorporating a discussion within the Land Use, Noise, and Hazards sections. Although not enough information has been submitted to the ALUC for detailed consistency analysis of the future land uses as they relate to the compatibility zones, the general land use patterns appear to be consistent.
- 2) Since neither of the airports AIA's fall within Lodi's City limits, it is the ALUC's understanding that the County of San Joaquin will be the lead agency for any future projects that fall outside of the city limits but within Lodi's

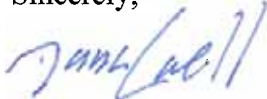


ALUC Comments – Lodi GP  
January 11, 2010

Sphere of Influence. However there may be exceptions to this for certain projects resulting in Lodi taking the responsibility as the lead agency. In either circumstance, the ALUC requires notification from the lead agency at the time of application. Upon notification and submittal of required project information, ALUC staff will make the determination the project's consistency with the most recent adopted Compatibility Zones.

Thank you for the opportunity to review and comment on Lodi's General Plan. If you have any questions please call the ALUC's staff planner, Laura Brunn, at (209) 235-0579.

Sincerely,



DANA COWELL

Deputy Director



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.235.0600 • 209.235.0438(fax)

[www.sjco.org](http://www.sjco.org)

January 11, 2010

*Larry Hansen*  
CHAIR

*Ann Johnston*  
VICE CHAIR

*Andrew T. Chesley*  
EXECUTIVE DIRECTOR

Mr. Rad Bartlam  
Community Development Director  
City of Lodi  
P.O. Box 3006, Lodi CA 95241

*Member Agencies*  
CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

Dear Mr. Bartlam.

**Re: CMA Review - City of Lodi's Draft Environmental Impact Report (DEIR)  
Lodi General Plan: SCH# 2009022075**

Thank you for the opportunity to comment on this important document. As the County's designated Congestion Management Agency, the San Joaquin Council of Governments (SJCOG) has reviewed the above-referenced document with respect to traffic impacts pursuant to the California Environmental Quality Act (CEQA).

The establishment of a Regional Congestion Management Program (RCMP) is required by State Government Code, Section 65088 – 65089 10 and the County's Measure K Renewal Ordinance, Section 1. The purpose of the RCMP is to monitor the cumulative transportation impacts of growth of the regional roadway system, establish a level of service standard, identify deficient regional roadways and develop plans to mitigate the deficiencies, and encourage travel demand management and operational preservation.

The following roadways within Lodi's jurisdiction are monitored as part of the adopted RCMP Roadway Network:

Harney Ln. – Lower Sacramento Rd. to SR 99  
Hutchins St. – Harney Rd. to Kettleman Ave (SR 12)  
Lower Sacramento – Harney Lane to Turner Rd  
Kettleman Lane (SR 12) – West City Limit to SR 99  
Victor Rd. (SR 12) – SR 99 to East City Limits  
Turner Rd. – West City Limits to Lower Sacramento Rd.  
SR 99 – Northern to Southern City Limits

A6-1

One of the major implementation actions of the RCMP is to establish and monitor Level of Service (LOS) conditions on the Network and to assess where any deficiencies exist. A roadway segment is considered deficient if operating at a LOS of “E” or “F” (as calculated per the RCMP’s adopted methodology). It should be noted that part of the methodology for determining the LOS includes the deduction of all interregional trips (pass-through trips that originate outside of the county), traffic generated from low-income housing, and traffic generated by high-density residential located within one-fourth mile of a fixed rail passenger station from the volumes. Once a deficient roadway segment is identified, the agency where the majority of a deficient segment physically lies will have twelve months to prepare a Deficiency Plan. Government Code Section 65089.4 details the required analysis and components of a Deficiency Plan.

A6-2

Upon implementation of the proposed General Plan’s land uses, the DEIR anticipates that several of the roadways listed on page one will exceed the CMP Program’s adopted LOS standards; with impacts to Kettleman and SR 99 being significant and unmitigable. CMP statute provides that, regardless of any overriding considerations that the City of Lodi may adopt as part of the FEIR, the jurisdiction will be required to prepare a Deficiency Plan at the time the roadway becomes deficient.

Although roadway segments operating at LOS “D” (per RCMP methodology) are not considered deficient within the RCMP, this standard does trigger a requirement. Roadway segments operating at LOS “D” are subject to the preparation of a plan that analyzes specific strategies for operational preservation and transportation demand management. SJCOG is currently preparing a Regional Travel Demand Management Action Plan the will give future guidance. SJCOG does recognize and commends the City on its incorporation of the policies that tie directly to the intent of the Regional Congestion Management Program.

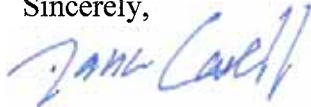
A6-3

A second major implementation action of the CMP is the CMA’s requirement to analyze and comment on future land uses that may impact roadways located within the RCMP network. The *Land Use Analysis Process* was adopted as part of the 2007 Regional Congestion Management Plan and is also part of state CMP Legislation (Section 65089) and the Measure K Renewal Ordinance. SJCOG now receives referrals from member jurisdictions development proposals for review, analysis and follow-up action where appropriate as part of RCMP implementation. Based on analysis using the RCMP process, proposals resulting in a degradation of LOS conditions require the identification and implementation of mitigation measures to resolve or mitigate the identified impact(s).

As future land use projects that generate 125 or more peak hour trips go forward with the entitlement process, SJCOG, in implementing the RCMP, will require that the potential impacts to roadways be analyzed within the project's Traffic Impact Analysis (TIA) and accompanying EIR. The TIA and EIR should each contain a section that specifically addresses requirements and standards of the Regional Congestion Management Program.

Thank you for the opportunity to review and comment on Lodi's General Plan. If you have any questions please call the RCMP's lead planner, Laura Brunn, at (209) 235-0579. We would be pleased to meet with the city concerning these comments if that would be helpful.

Sincerely,



DANA COWELL  
Deputy Director



**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232  
PHONE: 209/468-3121 FAX: 209/468-3163

January 11, 2010

**RECEIVED**

JAN 12 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Rad Bartlam  
Community Development Department  
City of Lodi  
Post Office Box 3006  
Lodi, CA 95241-1910

RE: LODI GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT  
SCH #2009022075

Dear Mr. Bartlam:

**A7-1**

The San Joaquin County Community Development Department appreciates the opportunity to review the above referenced document. We have reviewed the Draft Environmental Impact Report (EIR) and offer the following comments.

The draft EIR makes several references to the "Armstrong Road Agricultural/Cluster Study Area". This area is entirely within the unincorporated portion of San Joaquin County, and subject to land use authority by the San Joaquin County Board of Supervisors. Although there have been discussions regarding the potential for creation of the Armstrong Road Agricultural/Cluster Zoning classification, the County is not engaged in any studies of this area, nor involved in the preparation of any Specific Plans or other planning programs for this area. On April 21, 2009, the San Joaquin County Board of Supervisors voted to authorize the Community Development Director to send a letter to the City of Lodi clarifying the Board's position that the City of Lodi must submit the necessary applications for the creation of the Specific Plan and preparation of the EIR and pay all costs associated with the review and processing of the application for the creation of the Armstrong Road Agricultural/Cluster Zoning classification. Pursuant to the Board's action, the enclosed letter was sent to the City of Lodi on April 23, 2009. To date, the City has not submitted any applications or application fees to the San Joaquin County Community Development Department for the creation of the Armstrong Road Agricultural/Cluster Zoning.

If you have any questions, I can be reached at (209) 468-3140. Again, thank you for the opportunity to comment on the City's Draft EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Sullivan", with a stylized flourish at the end.

KERRY SULLIVAN  
Director

KS:ss  
SONIA/KERRY/BARTLAM LTR

Enclosure

c: Board of Supervisors  
Manuel Lopez  
David Wooten  
Mark Myles  
Ray Hoo

File: Cluster Zone



**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232  
PHONE: 209/468-3121 FAX: 209/468-3163

April 23, 2009

Blair King, City Manager  
City of Lodi, City Hall  
221 West Pine Street  
Lodi, CA 95240

Dear Mr. King:

Re: Armstrong Road Agricultural/Cluster Zoning Classification

On April 21, 2009, the San Joaquin County Board of Supervisors authorized the Community Development Department to send a letter to the City of Lodi clarifying the Board's position that the City of Lodi must submit the necessary applications for the creation of the Specific Plan and preparation of the Environmental Impact Report (EIR) and pay all costs associated with the review and processing of the applications for the creation of the Armstrong Road Agricultural/Cluster Zoning Classification. Two consulting firms submitted adequate proposals for preparation of the Specific Plan and EIR. Mintier Harnish's proposal is for \$483,486.00 and Augustine Planning Associates is for \$366,208.00. As both proposals meet the requirements of the Request for Proposal, the Community Development Department would like to award the contract to Augustine Planning Associates in the event that the City of Lodi elects to go forward with the project. The total cost for the Specific Plan and EIR would be \$488,108.00, based upon the consultant fee plus the County's administrative fees of 26.5% of the cost of the EIR, plus 35% of the cost of the Specific Plan. Enclosed is an application form for the Specific Plan.

Section 9-806.2 (enclosed) of the Development Title states that:

Applications for Specific Plans or Specific Plan Amendments may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or the property owner's authorized agent.

Since the City of Lodi will be the applicant, the City will serve as the "property owner's authorized agent." When the City submits the fees and application materials, the City also needs to submit documentation in writing from the property owners within the

Letter to Blair King  
Armstrong Road Cluster Zone  
April 23, 2009  
Page2

proposed project area that the City of Lodi is representing them in the application process.

Please contact me if you have any questions. I can be reached at (209) 468-3140.

Sincerely,

A handwritten signature in cursive script that reads "Kerry Sullivan".

KERRY SULLIVAN,  
DIRECTOR

/eel

Enclosures

c: Board of Supervisors  
Manuel Lopez  
David Wooten  
Mark Myles

File: ClusterZone4-23-09



(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.  
(Ord. 3715)

#### 9-805.4 APPROVAL.

Prior to approving an application for a Public Financing Plan or a Public Financing Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the Public Financing Plan or the Public Financing Plan Amendment is consistent with the General Plan and applicable Master Plan.  
(Ord. 3715)

#### 9-805.5 RECOVERY OF COSTS.

For a Public Financing Plan or a Public Financing Plan Amendment prepared at the County's expense, the Board of Supervisors may impose a Public Financing Plan fee. The fee shall be applied to persons seeking approvals for development within the area covered by the Public Financing Plan or Public Financing Plan Amendment. The fee charged shall be a prorated amount determined on the basis of the amount of land proposed for development expressed as a percentage of the total land included in the applicable Public Financing Plan or Public Financing Plan Amendment.  
(Ord. 3715)

## CHAPTER 9-806

### SPECIFIC PLANS

#### Sections:

9-806.1	Intent.
9-806.2	Requirements for Application.
9-806.3	Review Procedures.
9-806.4	Approval.
9-806.5	Recovery of Costs.

#### 9-806.1 INTENT.

The intent of this Chapter is to provide a method for adopting and amending Specific Plans, as provided in the California Government Code.

(Ord. 3675)

#### 9-806.2 REQUIREMENTS FOR APPLICATION.

Applications for Specific Plans or Specific Plan Amendments may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

#### 9-806.3 REVIEW PROCEDURES.

Specific Plan Applications shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the Specific Plan Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.

(Ord. 3675)

#### 9-806.4 APPROVAL.

Prior to approving an application for a Specific Plan or a Specific Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the

**Comments to Planning Commission Regarding Draft General Plan and Draft EIR  
Water and Infrastructure**

12/9/09

Jane Wagner-Tyack  
145 South Rose Street, Lodi

**1. Issues raised in 10/20/09 email to Mr. Bartlam**

- The graphic on page 3-9 of the Draft General Plan is misleading because it minimizes the contribution of groundwater (well water) to Lodi's water supply. The graphic should show that we rely primarily on groundwater, that the time frame for recharge is quite long, and that the water does not necessarily become available in the future in the same place where it entered the ground originally. At a minimum, the title of the graphic should be changed.
- On page 3-10, right-hand column, third paragraph, the Draft General Plan says, "As the city grows, the available safe yield of the underlying groundwater will increase." This is a puzzling statement for which there appears to be no justification. At a minimum, the statement requires some explanation.

B1-1

The Draft EIR actually addresses this by explaining (page 3.13-1) that the City will reduce its groundwater pumping from over 17,000 acre feet in 2008 "to a safe yield of approximately 15,000 acre-feet per year. This safe-yield estimate reflects an acreage-based relationship. Therefore, as the City's land area increases, the estimated safe yield of the underlying aquifer will likely increase."

**Given the unpredictability of groundwater, this seems like a tenuous solution to Lodi's water supply needs. In addition, the connection between more city acreage and more access to groundwater constitutes a perverse incentive tending to encourage unsustainable urban growth and loss of agricultural land. As a policy, this should be discouraged.**

B1-2

- On page 3-17, the Draft General Plan says "Use of gray water or rainwater for non-potable uses may require installation of dual plumbing systems." Pages 3-33 – 3-34 (GM-P12) says "Support on-site gray water and rainwater harvesting systems for households and businesses" – I encourage the city to pursue these alternatives.

B1-3

A careful reading of the Draft General Plan makes it clear that water supply and wastewater treatment options do not support projected growth. Rather than point out relevant sections in that draft, I have noted them below in comments on the Draft EIR.

## 2. Comments on the Draft EIR

B1-4

- The correct formal name of the Delta is the Sacramento-San Joaquin Delta. The area is also correctly referred to as the San Francisco Bay-Delta Estuary.

B1-5

- Camanche Reservoir is misspelled.

B1-6

- This page refers to Figure 3.7-1 regarding Groundwater Basins, but the figure itself doesn't specifically identify groundwater sub-basins, only watersheds. The title of the graphic is "Regional Watersheds and Waterways." The identification of groundwater basins needs to be more clear.

In categories related to hydrology, water quality, and infrastructure, the Draft EIR identifies the impact of the General Plan as "less than significant" and reports that no mitigation is required, in some cases because "[the] impact would be mitigated by existing State and local regulations and proposed General Plan policies." This wording undoubtedly meets regulatory requirements, but I urge you to exercise common sense in addressing the spirit as well as the letter of the regulations with respect to water supply and wastewater treatment. Specifically:

B1-7

- "Upon construction of the new surface water treatment plant, the City would have a long-term water supply of 27,000 acre feet per year available from its current safe yield of groundwater and the future surface water supplies." The Draft General Plan (page 3-10) assumes that even with a 15% reduction in residential demand due to the installation of water meters, "the total city-wide demand at reasonable development [would be about] 29,380 acre-feet per year." **That is a shortfall of 2,380 acre-feet per year under a best-case scenario for both supply and demand.**

B1-8

- The Draft General Plan, (page 3-23) and the Draft EIR (3.13-20 and 21) list inadequacies in the City's wastewater facilities. The Sewer Outfall from the City to the WSWPCF does not have adequate capacity for the PWWF [peak wet weather flows] at reasonable development of the General Plan. The City is already aware that expansion of WSWPCF will be required in the near future, and a tertiary filtration facility is part of that plan.

Wastewater discharge by cities in the Delta region has come under increasing scrutiny, not just because it affects the quality of export water (which we might like to assume is not our problem) but because it adversely affects fish and other species and their habitat in the Delta and the Estuary. This is our problem. Although I don't know the details, I believe the California Sportfishing Protection Alliance has already challenged Lodi's treatment of some of its wastewater. **The City should be aware that pressure is increasing from the State for cities in the Delta region to treat their wastewater discharge to a very high level—likely higher than we have planned for.**

## Recommendations

The City should aggressively pursue gray water systems, rainwater harvesting and cisterns, dry wells, and water recycling in addition to rigorous water conservation, including increased use of drought-tolerant landscaping by the City itself. The dual plumbing systems necessary for gray water and harvested rainwater use are allowed under this General Plan. The City should revisit the issue of the cost-effectiveness of delivering recycled water to potential demand locations. The existing Water Conservation Ordinance needs to be strictly enforced, and the City itself should be following the Ordinance. Efforts at public education need to be increased, with the City considering incentives as well as penalties with respect to wise water use.

B1-9

The Draft EIR makes it clear that there is no lack of State regulations and local plans and ordinances addressing water issues, and General Plan policies require planning for water supply and availability before development takes place. Necessary infrastructure must be provided in a “timely” manner—but in practice, we know that budgetary constraints do not allow the City to meet this requirement in every case.

It is the job of city planners to take growth projections, however they are arrived at, and give decision-makers a plan that provides for that projected growth. It is possible to make assumptions and update demand and supply calculations in ways that support that projected growth. However, it falls to Lodi decision-makers to connect the dots in this General Plan without relying on optimistic assumptions or estimates. The Draft General Plan and Draft EIR clearly show that water availability and wastewater treatment place inescapable constraints on Lodi’s growth. I urge you to require a General Plan that acknowledges actual, realistic limits on water availability, wastewater treatment, and the City’s ability to provide necessary water infrastructure, allowing for growth only within those realistic limits.

B1-10

The Final EIR requires responses to public comments. I look forward to seeing these comments addressed there.



Steven A. Herum  
sherum@herumcrabtree.com

January 8, 2010

City of Lodi Community Development Department  
Lodi City Hall  
Post Office Box 3006  
Lodi, California 95241-1910

Re: City of Lodi General Plan EIR

Dear Members of the Lodi Community Development Department:

These comments on the City of Lodi General Plan Draft Environmental Impact Report are submitted on behalf of property owners generally located in the southern part of the City's General Plan and generally described in the draft General Plan as Alternative A. Several members of the client group presently enjoy the PRR General Plan designation. My client group favors Alternative A and favors retaining the PRR General Plan designation (or its new equivalent) in the new general plan.

**1. The PR designation contains special rights that should not be obliterated by this new General Plan.**

By way of background three local families, the Fry, Costa, Beckman, and Fink families, actively participated in the 1990 Lodi General Plan update. Specifically they asked that their property be included in the General Plan so that ancillary infrastructure plans, such as water, sewer and storm drain, could be designed to include their properties. After more than fifteen presentations to the planning commission and city council, the city council agreed to include these properties in the General Plan with a designation of PRR and agree that infrastructure plans would be designed to include capacity for these territories. As a condition for this city action the City required the landowners to enter into a formal agreement with the City to pay for their fair share of oversized infrastructure. A formal agreement was negotiated and submitted by City Attorney Bob W. McNatt to the City Council for approval. The City Council approved the agreement as recommended by staff.

It is vital to note that during the course of these numerous hearings no member of the public appeared and opposed the request of these three families.

The essence of the agreement focuses on the property owners' promise to pay their fair share contribution to oversize a sewer line that could serve their properties. The property

owners agreed to pay their fair share contribution when the City of Lodi demanded that payment be made. Subsequently, on July 11, 1997, the City Attorney authored an opinion about the agreement, stating:

"Your current clients (Fry, Costa, Beckman and Fink) have a beneficial interest in the improvements which they may wish to save by seeking specific performance on their behalf. The sizing and location of the improvements is directly for the benefit of your current clients, not for the benefit of the City."

(Emphasis and underlining added.)

Indeed, the City subsequently, in May 2003, made a demand based upon the Agreement for the property owners to pay their fair share for oversizing the sewer line. The property owners promptly satisfied the City's demand by submitting \$177,789.72 as their fair share for oversizing the sewer line.

As the City Attorney has opined, the oversizing of the sewer line is for the benefit of these property owners and not for the benefit of the City. If the City takes away the PRR designation then these property owners will be deprived of the benefit of their bargain from the Agreement and will have relied upon City actions to their detriment. Hence notions of fairness and minimum legal requirements compel the City to retain the PRR designation or equivalent for these properties.

B2-1

Since these properties need to retain a land use designation signifying that the properties are expected to build out during the General Plan planning period it makes sense to include the remainder of Area A within the General Plan.

**2. Alternative A is the Environmental Superior Alternative for the General Plan and can facilitate the City's two percent growth policy.**

The Draft EIR admits that Alternative A is the environmental superior alternative. (DEIR at e-6, 4-20.) It has "fewer vehicle trips, miles of travel, hours of travel and hours of delay than the proposed general plan." (DEIR at 4-8.) It has "reduced impact to agricultural resources (DEIR at 4-9) less VTMs (DEIR at 4-10), and less demand for fire, police and other emergency services. DEIR at 4-17.

The DEIR's criticism of Alternative A is that it cannot independently facilitate meeting the City's two percent growth policy and therefore this policy will not be attained and ambient growth pressure will be redirected to other communities.

This analysis is fatally flawed for two reasons:

First, an environmentally superior alternative does not need to match all of the project objectives in order to be a viable alternative. See

B2-2

Second, this means that Alternative A can be matched or blended with either the preferred alternative or with another alternative and facilitate the two percent growth policy. To the extent this method places additional land into the general plan than may be anticipated for development during the general plan's planning period, the City's annexation policy can control the rate, location and timing of the City's expansion with an eye toward the efficient provision for services, environmental considerations and preservation of agricultural lands.

B2-3

In short, the Draft EIR ineffectively dispenses with the environmental superior alternative by designing false choices. Correctly framed, the issue isn't whether Alternative A should be adopted to the exclusion of the preferred alternative. Instead the correct way to view the question is whether Alternative A (the environmentally superior alternative) can be integrated into another alternative with the City's future growth pattern determined by the City's annexation policy.

In advance, thank you for your attention to these comments.

Very truly yours,



STEVEN A. HERUM  
Attorney-at-Law

SAH:lac

cc: Client



City of Lodi Community Development Department  
 Lodi City Hall  
 Post Office Box 3006  
 Lodi, California 95241-1910

Re: City of Lodi General Plan Draft EIR

Dear Lodi Community Development Department,

- Alternative A should be adopted or integrated into the Draft Preferred General Plan Alternative for several reasons: B3-1

- It is the environmentally superior alternative
- It is the most logical progression of the City's growth is to the South due to the current planning designation of PRR which was established in the 1991 General Plan and should not be removed and placed to the West side of the City
- It retains the PRR General Plan designation (or as it is called in the new General Plan, Urban Reserve [UR]) in the new general plan.
- It does not revoke the decision or the integrity of past city council members of establishing the PRR zone [South of Harney Lane, North of Armstrong Road, East of Lower Sacramento Road and west of Highway 99].
- It does not revoke the good faith effort/cooperation Armstrong Road Property Owners have done to research and propose the Armstrong Road Agricultural Cluster Zoning Concept. In the property owners good faith effort they have never stated over the many years of discussion of taking away or removing the PRR zoning south of Harney Lane. So it would be of bad faith and poor cooperation for the City of Lodi to remove the PRR south of Harney and place it on the West side. B3-2
- The DEIR does not state what factors caused the Urban Reserve or PRR to be moved from South of Harney to the west side, when the most recent developments have been south of Harney Lane [The Blue Shield Project and the new Costco Project in 2010]. So it would be a logical conclusion for the city to grow south due to all the infrastructure planning south of Harney Lane B3-3
  - The definition of UR is as follows: The Plan identifies Urban Reserve areas to provide additional area for development, if sufficient capacity to accommodate growth in the initial phases is not available.
  - So to fulfill the growth needs of Lodi, Urban Reserve should be maintained in the area described above south of Harney Lane and North of Armstrong Road. If more area is needed to fill growth needs then establish a west side Urban Reserve B3-4

- Of the 16 topics [Land Use & Housing, Traffic & Circulation, Agricultural Resources, Biological Resources, Cultural Resources, Climate Change & Greenhouse Gases, Hydrology and Water Quality, Air Quality, Flood Hazards, Seismic & Geologic Hazards, Noise, Hazardous Materials & Toxics, Infrastructure, Public Facilities, Parks & Recreation and Visual Resources] evaluated in the DEIR, the Hydrology and Water Quality topic should be evaluated in more detail

- Supply: What are the back-up procedures if 1, 2, 3 or more ground water pumps go dry or malfunction? Are water contracts in place for replacement? How fast can water be reestablished? Where would the city get their water? How does that affect agriculture? What are the costs associated with all the different options? Also, it is vital that the City of Lodi go forward as quickly as possible with the water treatment plant to use the banked Woodbridge Irrigation District surface water rather than pumping ground water. By pumping out of the over drafted ground water aquifer it has detrimental effects on the agricultural farming businesses surrounding the City of Lodi. As the saying goes, "No Water No Farming, No Farming No Food, No Food No Economy." Agriculture is the B3-5 B3-6



economic engine in Lodi and San Joaquin County. According to an Economic Impact Report done by the Lodi Winegrape Commission and the Lodi District Grape Growers in 2009, wine and winegrapes alone have a \$5 billion economic impact to San Joaquin County. So, the City of Lodi needs to help in every way possible to keep agriculture economically viable which in turn keeps the City of Lodi economy moving. One step would be by switching their source of water from ground water to surface water.

B3-7

B3-8

B3-9

- Demand
- Quality
- Policy changes
  - C-P8 Adopt an agricultural conservation program (ACP) establishing a mitigation fee to protect and conserve agricultural lands:
    - Comments: When establishing the ACP, besides the City of Lodi residents and policy makers, surrounding property owners in San Joaquin County, the San Joaquin Farm Bureau and other agricultural interests should be fully involved in the process of establishing the ACP and mitigation fee
    - The ACP should encourage that conservation easement locations are prioritized but a ratio [agricultural land : land developed] and fee should not be established or set until the ACP is finalized
  - Existing language: C-P2: Work with San Joaquin County and relevant land owners to ensure economic viability of grape growing, winemaking, and supporting industries, to ensure the preservation of viable agricultural land use. New language: C-P2: Work with San Joaquin County, the City of Stockton, the City of Galt, San Joaquin Farm Bureau and surrounding land owners to ensure economic viability of all agricultural businesses and supporting industries to ensure the preservation of viable agricultural land use

Thank you for allowing my comments and taking them into consideration.

Bruce Fry  
22000 Lower Sacramento Road  
Acampo, CA  
95220

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi  
Community Development Dept.  
Attn: Mr. Bartlam, Director  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

SUBJECT : Draft General Plan And Environmental Impact Report.

Dear Sir,

We, desire to make some comments concerning the City of Lodi's Draft General Plan, and the related Environmental Impact Report (EIR). Our concerns and comments follow:

Numerous years, countless hours, and significant expenses have been incurred trying to create a Community Separator along Armstrong Rd. separating the Cities of Lodi and Stockton.

The Armstrong Rd. property owners diligently met and cooperated with the City of Lodi, and San Joaquin County trying to arrive at a workable separator. However as of this date, nothing has happened. The plan for rezoning the proposed separator under county jurisdiction appears to have stagnated.

The current City of Lodi 1991 General Plan, designates the area South of Harney Ln., extending to The North side of Armstrong Rd. as Planned Residential Reserve (PRR). The new Preferred Draft Lodi General Plan, has removed the PRR designation from The North side of Armstrong Rd, extending a half mile south, and replaced it with the designation of "Armstrong Rd. Agriculture Cluster Study Area." Additionally, as an effort to accommodate the City's 2% growth policy, the new Preferred Draft General Plan designates Urban Reserve (UR) to the west and east of the City limits.

**In view of all the cooperation and efforts between the City and the Armstrong Rd. property owners towards the goal of creating a separator, we are dismayed, that the City of Lodi's Draft Preferred General Plan, does not see fit to retain the current PRR, or the equivalent Urban Reserve (UR) designation for the Armstrong Rd. area. Back in 1991 when the current General Plan was adopted, Area property owners worked diligently, and at significant expense, to obtain the Planned Residential Reserve (PRR) designation for the Harney Ln. – Armstrong Rd. area. Removing the PRR or the equivalent Urban Reserve (UR) designation in the New General Plan, for the Armstrong Rd. area is not in Lodi's best interest.**

Additionally, the Micke Grove Park area, and Lodi area, has always been synonymous. One would think that the City of Lodi would like to have some say in the future of the Micke Grove area. An urban reserve designation, adjacent to Micke Grove Park, would serve to “earmark” the area for Lodi’s future plans.

B4-2

An additional concern to us is the fact that **the Draft EIR indicates that Alternative A, is the environmentally superior alternative.** In addition to other reasons, it indicates that it has a reduced impact on agricultural resources, and is the middle-ground development scenario. The Draft EIR also finds that Alternative A does not fully meet the City’s two percent growth policy. However, this could be accomplished by adjusting the planned urban reserve for the East and West boundaries of the City.

B4-3

The environment is an important consideration affecting our everyday lives, as well as future generations. It appears that to not take heed of the findings of the Draft EIR, and adopting the “Preferred Plan,” which has been approved by the Lodi Planning Commission, **contradicts the environmental guidelines established by the State of California.**

B4-4

In conclusion, we feel that the City of Lodi should adopt Alternative A as the “Preferred Plan” to govern Lodi’s future.

Thank you for the opportunity to express our thoughts and concerns in this matter.

Sincerely,



Joseph L. Manassero  
541 W. Turner Road  
Lodi, CA 95240

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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

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The Armstrong Rd. property owners diligently met and cooperated with the City of Lodi, and San Joaquin County trying to arrive at a workable separator. However as of this date, nothing has happened. The plan for rezoning the proposed separator under county jurisdiction appears to have stagnated.

The current City of Lodi 1991 General Plan, designates the area South of Harney Ln., extending to The North side of Armstrong Rd. as Planned Residential Reserve (PRR). The new Preferred Draft Lodi General Plan, has removed the PRR designation from The North side of Armstrong Rd, extending a half mile south, and replaced it with the designation of "Armstrong Rd. Agriculture Cluster Study Area." Additionally, as an effort to accommodate the City's 2% growth policy, the new Preferred Draft General Plan designates Urban Reserve (UR) to the west and east of the City limits.

**In view of all the cooperation and efforts between the City and the Armstrong Rd. property owners towards the goal of creating a separator, we are dismayed, that the City of Lodi's Draft Preferred General Plan, does not see fit to retain the current PRR, or the equivalent Urban Reserve (UR) designation for the Armstrong Rd. area. Back in 1991 when the current General Plan was adopted, Area property owners worked diligently, and at significant expense, to obtain the Planned Residential Reserve (PRR) designation for the Harney Ln. – Armstrong Rd. area. Removing the PRR or the equivalent Urban Reserve (UR) designation in the New General Plan, for the Armstrong Rd. area is not in Lodi's best interest.**

B5-1



Additionally, the Micke Grove Park area, and Lodi area, has always been synonymous. One would think that the City of Lodi would like to have some say in the future of the Micke Grove area. An urban reserve designation, adjacent to Micke Grove Park, would serve to “ earmark” the area for Lodi’s future plans.

B5-2

An additional concern to us is the fact that **the Draft EIR indicates that Alternative A, is the environmentally superior alternative.** In addition to other reasons, it indicates that it has a reduced impact on agricultural resources, and is the middle-ground development scenario. The Draft EIR also finds that Alternative A does not fully meet the City’s two percent growth policy. However, this could be accomplished by adjusting the planned urban reserve for the East and West boundaries of the City.

B5-3

The environment is an important consideration affecting our everyday lives, as well as future generations. It appears that to not take heed of the findings of the Draft EIR, and adopting the “Preferred Plan,” which has been approved by the Lodi Planning Commission, **contradicts the environmental guidelines established by the State of California.**

B5-4

In conclusion, we feel that the City of Lodi should adopt Alternative A as the “Preferred Plan” to govern Lodi’s future.

Thank you for the opportunity to express our thoughts and concerns in this matter.

Sincerely,



Catherine T. Manassero  
541 W. Turner Road  
Lodi, CA 95240

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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

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Attn: Mr. Bartlam, Director  
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P.O. Box 3006  
Lodi, Ca. 95241

SUBJECT : Draft General Plan And Environmental Impact Report.

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The Armstrong Rd. property owners diligently met and cooperated with the City of Lodi, and San Joaquin County trying to arrive at a workable separator. However as of this date, nothing has happened. The plan for rezoning the proposed separator under county jurisdiction appears to have stagnated.

The current City of Lodi 1991 General Plan, designates the area South of Harney Ln., extending to The North side of Armstrong Rd. as Planned Residential Reserve (PRR). The new Preferred Draft Lodi General Plan, has removed the PRR designation from The North side of Armstrong Rd, extending a half mile south, and replaced it with the designation of "Armstrong Rd. Agriculture Cluster Study Area." Additionally, as an effort to accommodate the City's 2% growth policy, the new Preferred Draft General Plan designates Urban Reserve (UR) to the west and east of the City limits.

**In view of all the cooperation and efforts between the City and the Armstrong Rd. property owners towards the goal of creating a separator, we are dismayed, that the City of Lodi's Draft Preferred General Plan, does not see fit to retain the current PRR, or the equivalent Urban Reserve (UR) designation for the Armstrong Rd. area. Back in 1991 when the current General Plan was adopted, Area property owners worked diligently, and at significant expense, to obtain the Planned Residential Reserve (PRR) designation for the Harney Ln. – Armstrong Rd. area. Removing the PRR or the equivalent Urban Reserve (UR) designation in the New General Plan, for the Armstrong Rd. area is not in Lodi's best interest.**

B6-1

Additionally, the Micke Grove Park area, and Lodi area has always been synonymous. One would think that the City of Lodi would like to have some say in the future of the Micke Grove area. An urban reserve designation, adjacent to Micke Grove Park would serve to " earmark" the area for Lodi 's future plans.

B6-2

An additional concern to us is the fact that, **The Draft EIR indicates that Alternative A, is the environmental superior alternative.** In addition to other reasons, it indicates that it has a reduced impact on agricultural resources, and is the middle- ground development scenario. The Draft EIR also finds that Alternative A does not fully meet the City's two percent growth policy. However, this could be accomplished by adjusting the planned urban reserve for the East and West boundaries of the City.

B6-3

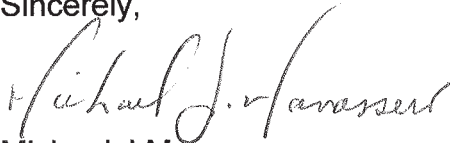
The Environment is an important consideration affecting our everyday lives, as well as future generations. It appears that to not take heed of the findings of the Draft EIR, and adopting the "preferred plan" which has been approved by the City of Lodi Planning Commission, contradicts the environmental guidelines established by the State of California.

B6-4

In conclusion , we feel that the City of Lodi should adopt Alternative A as the preferred plan to govern. Lodi's future.

Thank you for the opportunity to express our thoughts and concerns in this matter.

Sincerely,



Michael J. Manassero  
1490 E. Harney Ln.  
Lodi, Ca. 95242



RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi  
Community Development Dept.  
Attn: Mr. Bartlam, Director  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

SUBJECT : Draft General Plan And Environmental Impact Report.

Dear Sir,

We, desire to make some comments concerning the City of Lodi's Draft General Plan, and the related Environmental Impact Report (EIR). Our concerns and comments follow:

Numerous years, countless hours, and significant expenses have been incurred trying to create a Community Separator along Armstrong Rd. separating the Cities of Lodi and Stockton.

The Armstrong Rd. property owners diligently met and cooperated with the City of Lodi, and San Joaquin County trying to arrive at a workable separator. However as of this date, nothing has happened. The plan for rezoning the proposed separator under county jurisdiction appears to have stagnated.

The current City of Lodi 1991 General Plan, designates the area South of Harney Ln., extending to The North side of Armstrong Rd. as Planned Residential Reserve (PRR). The new Preferred Draft Lodi General Plan, has removed the PRR designation from The North side of Armstrong Rd, extending a half mile south, and replaced it with the designation of "Armstrong Rd. Agriculture Cluster Study Area." Additionally, as an effort to accommodate the City's 2% growth policy, the new Preferred Draft General Plan designates Urban Reserve (UR) to the west and east of the City limits.

In view of all the cooperation and efforts between the City and the Armstrong Rd. property owners towards the goal of creating a separator, we are dismayed, that the City of Lodi's Draft Preferred General Plan, does not see fit to retain the current PRR, or the equivalent Urban Reserve (UR) designation for the Armstrong Rd. area. Back in 1991 when the current General Plan was adopted, Area property owners worked diligently, and at significant expense, to obtain the Planned Residential Reserve (PRR) designation for the Harney Ln. – Armstrong Rd. area. Removing the PRR or the equivalent Urban Reserve (UR) designation in the New General Plan, for the Armstrong Rd. area is not in Lodi's best interest.

B7-1



Additionally, the Micke Grove Park area, and Lodi area has always been synonymous. One would think that the City of Lodi would like to have some say in the future of the Micke Grove area. An urban reserve designation, adjacent to Micke Grove Park would serve to "earmark" the area for Lodi 's future plans.

B7-2

An additional concern to us is the fact that, **The Draft EIR indicates that Alternative A, is the environmental superior alternative.** In addition to other reasons, it indicates that it has a reduced impact on agricultural resources, and is the middle- ground development scenario. The Draft EIR also finds that Alternative A does not fully meet the City's two percent growth policy. However, this could be accomplished by adjusting the planned urban reserve for the East and West boundries of the City.

B7-3

The Environment is an important consideration affecting our everyday lives, as well as future generations. It appears that to not take heed of the findings of the Draft EIR, and adopting the "preferred plan" which has been approved by the City of Lodi Planning Commission, contradicts the environmental guidelines established by the State of California.

B7-4

In conclusion , we feel that the City of Lodi should adopt Alternative A as the preferred plan to govern. Lodi's future.

Thank you for the opportunity to express our thoughts and concerns in this matter.

Sincerely,



Patricia M. Manassero  
1490 E. Harney Ln.  
Lodi, Ca. 95242

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B8-1

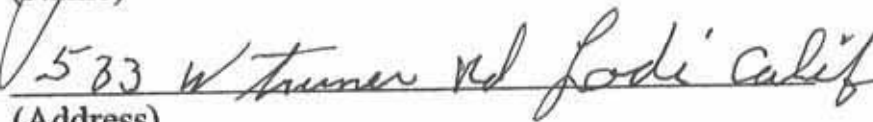
The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B8-2

Sincerely,

  
(Name)

  
(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B9-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A, is the environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B9-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

Joseph M Kuehler  
(Name)

989 E Armstrong Rd.  
(Address)

Lodi, Ca. 95242

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B10-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A, is the environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B10-2

Sincerely,

Gregory Munuera  
(Name)

541 W Turner Rd Lodi  
(Address)



January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B11-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B11-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

John Kachler  
(Name)

13066N Shattuck Rd Lodi  
(Address)

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B12-1

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B12-2

Sincerely,

Dusty Marshall  
(Name)

2719 S. Stockton St., LODI 95240  
(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED  
JAN 11 2010  
COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B13-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A, is the environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B13-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

Grace Puccinelli

(Name)

2719 S. Stockton St. LODI 95240

(Address)

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B14-1

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B14-2

Sincerely,



(Name)



(Address)



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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

**B15-1** In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

**B15-2** I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,



(Name)



(Address)

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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B16-1

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B16-2

Sincerely,

Douglas Manassero   
(Name)

7558 East Woodbridge Rd Acampo 95220  
(Address)

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B17-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A, is the environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B17-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,



(Name)

23689 N. Sowles Rd, Acampo 95220

(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B18-1

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B18-2

Sincerely,

Willie Heidinger  
(Name)

2000 Delta Lodi  
(Address)



January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

**RECEIVED**

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B19-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A, is the environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B19-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

Don Kemp  
(Name)

916 Sylvia Dr Lodi  
(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B20-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B20-2

Sincerely,

Christine M. Bone

(Name)

1550E. Armstrong Rd. Lodi, CA 95242

(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B21-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B21-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

  
(Name)

1301 E. Armstrong Rd, Lodi, 95242  
(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B22-1

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B22-2

Sincerely,

STEVE J. BORRA JR

(Name)

1550 E. ARMSTRONG RD. LODI, CA 95242

(Address)



January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B23-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B23-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

Beverly Boush

(Name)

1301 E Armstrong Rd Lodi CA

(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B24-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B24-2

Sincerely,

  
(Name)

  
(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B25-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A, is the environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B25-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

GIARY TUTSUNI

(Name)

3725 E ARMSTRONG RD

(Address)

LODI, CA 95240



January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B26-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B26-2

Sincerely,

John Kessler

(Name)

3861 Armstrong Rd Lodi, Cal.

(Address)

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B27-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

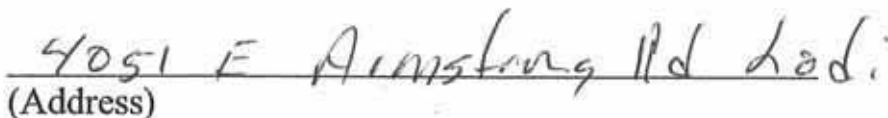
The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B27-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

  
(Name)

  
(Address)

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B28-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B28-2

Sincerely,

  
(Name)

  
(Address)



January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B29-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B29-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

Marjorie Kramer  
(Name)

23689 Mr. Sowles Rd.  
(Address)

acornyo Ca 95220

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B30-1

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B30-2

Sincerely,

Thomas Goding  
(Name)

118 Willow Ave Lodi  
(Address)



January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B31-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A, is the environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B31-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

  
(Name)

  
(Address)

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B32-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B32-2

Sincerely,

  
(Name)

2217 W. Vine St., Lodi, CA 95242  
(Address)



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P.O. Box 1007 • Woodbridge, CA 95258

Lodi (209) 369-8255 Stockton (209) 464-3352 Fax (209) 368-0600

License No. 632667



LETTER B33

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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B33-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The ***ENVIRONMENTAL IMPACT REPORT*** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B33-1

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

(Name) MIKE MASON

1901 Windy Tree Lane, Lodi, CA 95242  
(Address)





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P.O. Box 1007 • Woodbridge, CA 95258

Lodi (209) 369-8255 Stockton (209) 464-3352 Fax (209) 368-0600

LETTER B34

License No. 632667



RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

B34-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B34-2

Sincerely,

(Name) JACK DIROE

1254 Star Bridge DR, 95242

(Address)



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P.O. Box 1007 • Woodbridge, CA 95258

Lodi (209) 369-8255 Stockton (209) 464-3352 Fax (209) 368-0600

LETTER B35

License No. 632667



RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B35-1

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B35-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

(Name) STEVEN L. DIERDE

(Address)

6300 E HOGAN



COMMERCIAL • INDUSTRIAL • RESIDENTIAL

License No. 632667

P.O. Box 1007 • Woodbridge, CA 95258

Lodi (209) 369-8255 Stockton (209) 464-3352 Fax (209) 368-0600



LETTER B36

RECEIVED

JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

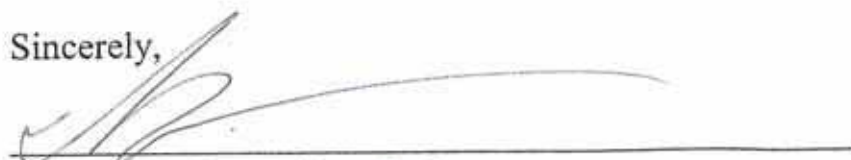
B36-1

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

B36-2

Sincerely,

  
(Name) ISAAC RAMIREZ

12539 N. Angier Rd Lodi, Ca 95240  
(Address)





COMMERCIAL • INDUSTRIAL • RESIDENTIAL

P.O. Box 1007 • Woodbridge, CA 95258

Lodi (209) 369-8255 Stockton (209) 464-3352 Fax (209) 368-0600

LETTER B37

License No. 632667



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JAN 11 2010

COMMUNITY DEVELOPMENT DEPT  
CITY OF LODI

January 10, 2010

City of Lodi Community Development Department  
Lodi City Hall  
P.O. Box 3006  
Lodi, Ca. 95241

Attn: Mr. Bartlam

Re: City of Lodi Draft General Plan and EIR

Dear Mr. Bartlam:

As a citizen of the Lodi Community, I wish to take issue with the Draft General Plan which the City of Lodi is currently working on. My comments are identified below:

B37-1


In choosing the currently proposed draft General Plan (referred to as the "preferred Plan") the City is not following the recommendation of The Environmental Impact Report, *funded by the citizens of Lodi tax dollars*.

The **ENVIRONMENTAL IMPACT REPORT** finds that **Alternative A**, is the **environmental superior alternative**. It provides for less impact on the environment, as well as other significant reasons for it's adoption.

B37-2

I feel that the New Lodi General Plan should Adopt Alternative A as the plan which will govern Lodi's future for the next 20+ years. **Do not adopt the currently proposed General Plan.**

Sincerely,

  
(Name) Robert Lee

6504 E-Hogan Lane Lodi CA 95240  
(Address)

### 3 Response to Comments on the Draft EIR

This chapter includes responses to each comment, and in the same order, as presented in Chapter 2. The responses are marked with the same number-letter combination as the comment to which they respond, as shown in the margin of the comment letters.

Proposed General Plan policies are referenced in several responses below. During preparation of the Draft EIR and this Final EIR, additional policy measures and edits to proposed policies were identified to further reduce potential impacts. New policy measures have been assigned with the suffix “NEW” (e.g. T-PNEW). Proposed policies that have been recommended for revisions are assigned with the suffix “EDIT” (e.g. T-P1EDIT); text additions are noted in underline and text deletions appear in ~~strikeout~~.

#### AGENCIES

##### A1: Central Valley Flood Protection Board

A1-1: The City acknowledges that the Central Valley Flood Protection Board’s (Board) jurisdiction includes the Mokelumne River, as a tributary of the San Joaquin River and that a Board permit will be required for activities, such as construction or landscaping, within the Board’s jurisdiction. This letter does not raise environmental issues under CEQA.

##### A2: Department of Transportation

A2-1: The City acknowledges that State Route 12 (Kettleman Lane) is a Caltrans State Highway and that the Congestion Management Program identifies a Level of Service standard of D for this route. The proposed General Plan policies both titled “T-NEW” on page 3.2-25 underscore the City’s understanding of the jurisdictional boundaries, stating: “For purposes of design review and environmental assessment, apply a standard of Level of Service E during peak hour conditions on *all streets in the City’s jurisdiction...*” (emphasis added) and that the City will “Strive to comply with the Level of Service standards and other performance measures on Routes of Regional Significance as defined by the County-wide Congestion Management Program.”

A2-2: This comment regarding adding a truck route map to the General Plan represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here. For information purposes, it should be noted, a truck route map was provided in an earlier working paper, published in July 2007 as part of the General Plan update process. See Figure 3-5 in “Land Use, Transportation, Environment, and Infrastructure” available on the City’s website:

[http://www.lodi.gov/community\\_development/general\\_plan/reports.htm](http://www.lodi.gov/community_development/general_plan/reports.htm).

A2-3: The City acknowledges that future development projects may have impacts to the State highway system and, consistent with current City practice, future developments with



the potential to cause significant impacts would be subject to environmental review procedures, including preparation of a traffic impact study. Several General Plan policies are intended to ensure that appropriate reviews are applied. For example, Policy T-P1 ensures consistency between the timing of new development and the infrastructure needed to serve that development, and Policy T-P2 calls for project reviews to ensure that appropriate mitigations are identified and provided. Policy T-P3 commits the City to work collaboratively with San Joaquin County, San Joaquin Council of Governments, and Caltrans to successfully implement transportation improvements in the vicinity of Lodi.

- A2-4: The City acknowledges the importance of consistency between local and regional/State transportation plan and seeks to further reduce Impact 3.2-1, regarding plan consistency by modifying policy T-P3 to read as follows: Work collaboratively with San Joaquin County, San Joaquin Council of Governments, and Caltrans to maintain consistency with regional and State plans, and to successfully implement transportation improvements in the vicinity of Lodi.
- A2-5: The proposed Lodi General Plan presents population and employment projections, shown in Table ES-1 on page E-4. Although projections from the San Joaquin Council of Governments (SJCOG) were reviewed and consulted, the proposed General Plan's projections are based on calculations resulting from land use changes in the General Plan Land Use Diagram. The City acknowledges that projections by SJCOG are used as the foundation for the Regional Transportation Plan, Air Quality Conformity Analyses, traffic modeling, and other planning studies. The agency periodically updates its projections by—among other means—surveying local planning departments. The following proposed General Plan policy assures the City's cooperation:
- T-P6: Coordinate with the San Joaquin Council of Governments and actively participate in regional transportation planning efforts to ensure that the City's interests are reflected in regional goals and priorities.
- A2-6: The data reported in Table 3.1-2 on page 3.1-4 of the Draft EIR are provided by the California Department of Finance (DOF). DOF does not report a further breakdown of housing units, such as by square footage or the exact number of units in each development.
- A2-7: Table 3.2-1 on page 3.2-3 of the Draft EIR describes Level of Service thresholds and average daily traffic volumes for *typical* roadway types in Lodi. They do not refer to specific streets in the city. Rather they are devised through analysis of Transportation Research Board's Highway Capacity Manual, local factors and planning practice in Lodi and neighborhood jurisdictions, as described on page 3.2-2 of the Draft EIR.
- A2-8: As described on page 3.2-22 of the Draft EIR, the City of Lodi travel demand model was used to determine how the land uses in the proposed General Plan would generate vehicle trips and would contribute to future traffic volumes on the major streets throughout the planning area. A table has been added to page 3.2-22 of the Draft EIR

to display the trip generation rates used in the Lodi model for each land use category. See Table 4-1 and the trip generation table in Chapter 4 of this Final EIR.

- A2-9: The proposed General Plan has a 20-year horizon, through the year 2030, as described on page 2-10 of the Project Description in the Draft EIR. This is the horizon year for the future traffic volumes and levels of service described on page 3.2-15. A revision has been provided on page 3.2-15 of the Draft EIR to clarify this horizon year. See Table 4-1 of this Final EIR. Data on existing traffic volumes for State highway facilities was requested from the permanent count station database maintained by Caltrans HQ and was used directly in the General Plan analysis.
- A2-10: As described in the Physical Setting on page 3.2-1 of the Draft EIR, the study area for the transportation analysis is bound by the Mokelumne River to the north, ½ mile west of Lower Sacramento Road to the west, East Hogan Lane to the south, and the Central California Traction Railroad to the east. This area includes State Route 99, whose potential impacts are reported in Table 2.3-4, on page 3.2-21 of the Draft EIR. However, this study area does not include Interstate 5 located within five miles to the west of the city. Proposed General Plan policy T-P7 commits the City to work with the regional metropolitan transportation organization on regional transportation funding, including the update of regional transportation impact fees.

Page 3.2-24 of the Draft EIR describes the planned projects to widen SR 99 through Lodi that are referenced in this comment. As described in the Draft EIR, because those freeway widening projects do not have environmental clearance or identified funding, they cannot be assumed in the EIR analysis, but it is acknowledged that those projects would help to address the capacity shortfalls identified as a significant impact.

The City of Lodi has a transportation impact fee program to collect “fair share” contributions from new development projects. The fee program is referenced in General Plan policy T-P2, and the City’s commitment to update the fee program is included in General Plan policy T-P5. The City is willing to discuss with Caltrans the potential for expanding the transportation impact fee program to include contributions to State highway facility improvements. However, it should be noted that the future traffic volumes and Levels of Service on SR 99 described in the Draft EIR are the result of increased growth in Lodi combined with increased regional traffic demand (i.e., traffic that passes through Lodi but does not stop). Therefore, the “fair share” contribution toward SR 99 improvements from new development in Lodi may be a relatively small proportion of the overall cost of the improvements. In order for a revised impact fee program to be adopted, the likely sources of funding for the remainder of the improvement costs would need to be identified. The City will coordinate with Caltrans on this issue. A new policy will be added to the proposed General Plan:

- T-PNEW: Participate in discussions with Caltrans and neighboring jurisdictions to develop a fair-share fee program for improvements to regional routes and state highways. This fee should reflect traffic generated by individual municipalities and pass-through traffic.

A2-11: The Draft EIR was sent to the Air Resources Board.

A2-12: The proposed General Plan identifies a range of policies to improve mobility and maintain Level of Service standards, including suggestions recommended by the reviewer: access management, site design, and on-site development circulation. In addition to the City's Subdivision Ordinance, which specifies required street improvements for different types of development projects, these methods are exemplified by the following policies:

- T-P9: Design streets in new developments in configurations that generally match and extend the grid pattern of existing city streets. This is intended to disperse traffic and provide multiple connections to arterial streets. Require dedication, widening, extension, and construction of public streets in accordance with the City's street standards. Major street improvements shall be completed as abutting lands develop or redevelop. In currently developed areas, the City may determine that improvements necessary to meet City standards are either infeasible or undesirable.
- T-P10: Maintain, and update as needed, roadway design standards to manage vehicle speeds and traffic volumes.
- CD-P14: Minimize pavement widths (curb-to-curb) along Mixed Use Corridors to prioritize pedestrian and bicycle movement, while ensuring adequate street width for traffic flow.
- CD-P34: Minimize curb cuts to expand pedestrian space and increase the supply of curbside parking. Methods include requiring abutting new developments to share a single access point from the road and allowing only one curb cut per parcel.
- CD-P35: Require new office development to be designed to address not just automobile access, but also potential for transit access, and allowing lunchtime pedestrian access to adjacent uses. Locate new office development along the street edge, with the main entrance facing the street. Parking should not be located between the street and building.

A2-13: The following policy in the proposed General Plan assures the City's continued cooperation with Caltrans and other agencies to make improvements that accommodate future growth:

- T-P3: Work collaboratively with San Joaquin County, San Joaquin Council of Governments, and Caltrans to successfully implement transportation improvements in the vicinity of Lodi.

A2-14: This comment regarding truck routes represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here. This issue is addressed in the response to comment A2-2 above.

### **A3: Public Utilities Commission**

A3-1: The City appreciates the Public Utilities Commission's commitment to rail safety in California. The following proposed General Plan policies seek to assure the City's commitment to funding and implementing rail safety measures:

- T-P4: Maintain and update a Capital Improvements Program so that identified improvements are appropriately prioritized and constructed in a timely manner.
- T-P5: Update the local transportation impact fee program, consistent with General Plan projections and planned transportation improvements.
- T-P31: Coordinate with the California Public Utilities Commission to implement future railroad crossing improvements.
- T-P32: Require a commitment of funding for railroad crossing protection devices from private development requiring new railroad spurs.

### **A4: City of Stockton**

A4-1: This comment regarding policies for Urban Reserve areas represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here. Notably, proposed General Plan policies ensure that the city expands only as needed and only when infrastructure has been provided:

- GM-P2EDIT: Target new growth into identified areas, extending south, west, and southeast. Ensure contiguous development by requiring development to conform to phasing described in Figure 3-1 [of the proposed General Plan]. Enforce phasing through permitting and infrastructure provision. Development may not extend to Phase 2 until Phase 1 has reached 75% of development potential, and development may not extend to Phase 3 until Phase 2 has reached 75% of development potential. In order to respond to market changes in the demand for various land use types, exemptions may be made to allow for development in future phases before these thresholds in the previous phase have been reached.
- GM-G2: Provide infrastructure—including water, sewer, stormwater, and solid waste/recycling systems—that is designed and timed to be consistent with projected capacity requirements and development phasing.
- GM-P8: Coordinate extension of sewer service, water service, and stormwater facilities into new growth areas concurrent with development phasing. Decline requests for extension of water and sewer lines beyond the city limit prior to the relevant development phase and approve development plans and water system extension only when a dependable and adequate water supply for the development is assured.

A4-2: This comment regarding the proposed General Plan's designation of an Armstrong Road Agricultural/Cluster Study Area represents a comment on the proposed General

Plan and not on the Draft EIR, and therefore does not require a response here. The City acknowledges that the City of Stockton has adopted an open space/agricultural land use along this northern boundary. For information purposes, more detail on the Armstrong Road Agricultural/Cluster Study Area is provided in Table 3-1 in the Growth Management Element of the proposed General Plan. This table describes potential policy tools, such as coordinating with other public agencies and avoiding uses that would diminish the agriculture/open space character of the greenbelt.

A4-3: This comment regarding the Armstrong Road Agricultural/Cluster Study Area represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here. However, for information purposes, we propose additional text in the proposed General Plan to describe the Armstrong Road Agricultural/Cluster Study Area, since it is shown on the Land Use Diagram:

- **Armstrong Road Agricultural/Cluster Study Area:** This overlay designation is intended to maintain a clear distinction between Lodi and Stockton. In coordination with relevant public agencies and property owners, the City will continue to study this designation area to determine a strategy to meet these objectives.

Notably, additional information and policy direction about the Study Area is described in the Growth Management Element of the proposed General Plan, as mentioned in the response to comment A4-2, above.

A4-4: A revision has been provided to page 3.2-21 of the Draft EIR to address this comment about traffic volumes and Level of Service on arterial roadways south of Harney Lane. See Table 4-1 of this Final EIR.

A4-5: Comments noted. The Draft EIR assesses potential impacts on the current staffing levels and facilities for police and fire protection. The City respectfully disagrees that it needs to provide response time standards. Instead, the proposed General Plan calls for establishing even more detailed thresholds to ensuring safety:

- **GM-P22:** Develop a Fire and Police Services Master Plan that would establish thresholds and requirements for fire and police facilities, staffing, and building features. The Fire and Police Services Master Plan should consider the following:
  - Typical nature and type of calls for service;
  - Fire prevention and mitigation measures, such as sprinklers, fire retardant materials, and alarms;
  - Appropriate measures for determining adequate levels of service; and
  - Locations and requirements for additional facilities and staffing.

#### **A5: San Joaquin Council of Governments**

A5-1: As the reviewer notes, although there are two public airports that lie within the city's Planning Area, the airports do not lie within the city limits and are therefore under San Joaquin County's jurisdiction. The City of Lodi will serve as the lead agency when it has

the primary responsibility for approving a project that may have a significant impact upon the environment.

**A6: San Joaquin Council of Governments**

- A6-1: The City acknowledges that, according to Government Code Section 65089.4, it will be required to prepare Deficiency Plan for roadway segments that are monitored as part of the Regional Congestion Management Program (RCMP) and which exceed the RCMP's stipulated Level of Service standard (currently LOS D), within 12 months of when the deficiency is identified.
- A6-2: The City acknowledges that RCMP roadway segments in Lodi that operate at the RCMP Level of Service standard (currently LOS D) will be required to prepare a plan that analyzes specific strategies for operational preservation and transportation demand management. The City further acknowledges that SJCOG is preparing a Regional Travel Demand Management Action Plan that will offer guidance for this requirement.
- A6-3: The City acknowledges that future projects in Lodi may be required to assess potential impacts on RCMP roadway segments within traffic impact analysis studies and/or environmental review documents, if the project generates 125 or more peak hour trips.

**A7: San Joaquin County, Community Development Department**

- A7-1: This comment regarding the Armstrong Road Agricultural/Cluster Study Area represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here. For further information about the Armstrong Road Agricultural/Cluster Study Area, see response to Letter A4, comment A4-3.

**ORGANIZATIONS/INDIVIDUALS**

**B1: Jane Wagner-Tyack**

- B1-1: This comment regarding the Lodi Urban Water Cycle graphic represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here. Notably, the sources of the water supply are documented on page 3.13-13 of the Draft EIR.
- B1-2: The City appreciates the reviewer's interest in ensuring an adequate water supply. Page 3.13-13 of the Draft EIR describes the potential increase in groundwater safe-yield, as the city grows and its land area increases. However, the proposed General Plan ensures that agricultural land will not be prematurely converted to urban uses in order to gain additional water supply. Proposed policies seek to ensure responsible growth that protects agricultural land and ensures that adequate infrastructure and water resources are in place before development can proceed:

- C-P3: Support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent.
  - GM-G2: Provide infrastructure—including water, sewer, stormwater, and solid waste/recycling systems—that is designed and timed to be consistent with projected capacity requirements and development phasing.
  - GM-G3: Promote conservation of resources in order to reduce the load on existing and planned infrastructure capacity, and to preserve existing environmental resources.
  - GM-P2EDIT: Target new growth into identified areas, extending south, west, and southeast. Ensure contiguous development by requiring development to conform to phasing described in Figure 3-1 [of the proposed General Plan]. Enforce phasing through permitting and infrastructure provision. Development may not extend to Phase 2 until Phase 1 has reached 75% of development potential, and development may not extend to Phase 3 until Phase 2 has reached 75% of development potential. In order to respond to market changes in the demand for various land use types, exemptions may be made to allow for development in future phases before these thresholds in the previous phase have been reached.
  - GM-P7: Ensure that public facilities and infrastructure—including water supply, sewer, and stormwater facilities—are designed to meet projected capacity requirements to avoid the need for future replacement and upsizing, pursuant to the General Plan and relevant master planning.
  - GM-P8: Coordinate extension of sewer service, water service, and stormwater facilities into new growth areas concurrent with development phasing. Decline requests for extension of water and sewer lines beyond the city limit prior to the relevant development phase and approve development plans and water system extension only when a dependable and adequate water supply for the development is assured.
- B1-3: This comment supporting use of gray water or rainwater for non-potable uses represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here.
- B1-4: The Draft EIR makes interchangeable references to the San Francisco Bay-San Joaquin River Delta and the Delta. This full name and abbreviation are provided on page 3.7-1 of the Hydrology and Water Quality section.
- B1-5: A revision has been provided on page 3.7-1 of the Draft EIR to address this comment and proper spelling of the Camanche Reservoir. See Table 4-1 of this Final EIR.
- B1-6: A revision has been provided to page 7.2-4 of the Draft EIR to address this comment regarding groundwater basins. See Table 4-1 of this Final EIR.
- B1-7: During preparation of the Draft EIR, the analysis of potable water was revised to update projections from the most recent urban water management plan and other sources to reflect the development potential accommodated in the proposed General Plan Land Use Diagram. The water demand and supply analysis, presented in Impact



3.13-1, beginning on page 3.13-2, supersedes the proposed General Plan and identifies sufficient supply to meet demand during normal years. In dry years, demand is projected to exceed supply by approximately 4,040 acre-feet. However, growth management phasing, water conservation measures, recycled water, and graywater systems, are expected to bridge this gap. The proposed General Plan will be updated prior to adoption to reflect this updated analysis.

Relevant proposed General Plan policies that would ensure that a sufficient water supply is available to meet needs and that promote potable water conservation are identified in the impact statement, beginning on page 3.13-15. These policies include: GM-G2, GM-G3, GM-P7, GM-P8, GM-P9, GM-P10, GM-P11EDIT, GM-P12, GM-P13, GM-P14, and GM-P15EDIT. GM-P8 in particular ensures that development will not proceed until an adequate water supply has been identified:

- GM-P8: Coordinate extension of sewer service, water service, and stormwater facilities into new growth areas concurrent with development phasing. Decline requests for extension of water and sewer lines beyond the city limit prior to the relevant development phase and approve development plans and water system extension only when a dependable and adequate water supply for the development is assured.

B1-8: The City appreciates the reviewer's interest in ensuring water quality levels. The Draft EIR acknowledges existing wastewater deficiencies and an implementation program to meet existing and future demand. While the proposed General Plan will require new facilities to accommodate projected wastewater flows and required treatment capacity, it also identifies the infrastructure needed over the life of the Plan, and includes policies that require the provision of infrastructure in a timely manner. In fact, many of the required infrastructure improvements are already underway or are already part of existing master plans. In addition, project level environmental analysis will be required for any infrastructure development that could result in environmental impacts. Impact 3.13-2, beginning on page 3.13-17, identifies the relevant improvements and proposed General Plan policies that address this capacity issue. Moreover, the proposed General Plan also identifies policies to maintain and improve water quality levels in local and regional water bodies:

- C-P-26: Monitor water quality regularly to ensure that safe drinking water standards are met and maintained in accordance with State and EPA regulations and take necessary measures to prevent contamination. Comply with the requirements of the Clean Water Act with the intent of minimizing the discharge of pollutants to surface waters.
- C-P-27: Monitor the water quality of the Mokelumne River and Lodi Lake, in coordination with San Joaquin County, to determine when the coliform bacterial standard for contact recreation and the maximum concentration levels of priority pollutants, established by the California Department of Health Services, are exceeded. Monitor the presence of pollutants and variables that could cause harm to fish, wildlife, and plant species in the Mokelumne River and Lodi Lake. Post signs at areas used by water recreationists warning users of health risks whenever the coli-

form bacteria standard for contact recreation is exceeded. Require new industrial development to not adversely affect water quality in the Mokelumne River or in the area's groundwater basin. Control use of potential water contaminants through inventorying hazardous materials used in City and industrial operations.

- C-P-28: Regularly monitor water quality in municipal wells for evidence of contamination from dibromochloropropane (DBCP), saltwater intrusion, and other toxic substances that could pose a health hazard to the domestic water supply. Close or treat municipal wells that exceed the action level for DBCP.
- C-P-29: Minimize storm sewer pollution of the Mokelumne River and other waterways by maintaining an effective street sweeping and cleaning program.
- C-P-30: Require, as part of watershed drainage plans, Best Management Practices, to reduce pollutants to the maximum extent practicable.
- C-P-31: Require all new development and redevelopment projects comply with the post-construction Best Management Practices (BMPs) called for in the Stormwater Quality Control Criteria Plan, as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region. Require that owners, developers, and/or successors-in-interest to establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of all post-construction BMPs.
- C-P-32: Require, as part of the City's Storm Water NPDES Permit and ordinances, the implementation of a Grading Plan, Erosion Control Plan, and Pollution Prevention Plan during the construction of any new development and redevelopment projects, to the maximum extent feasible.
- C-P-33: Require use of stormwater management techniques to improve water quality and reduce impact on municipal water treatment facilities.
- C-P-34: Protect groundwater resources by working with the county to prevent septic systems in unincorporated portions of the county that are in the General Plan Land Use Diagram, on parcels less than two acres.
- C-P-35: Reduce the use of pesticides, insecticides, herbicides, or other toxic chemical substances by households and farmers by providing education and incentives.

B1-9: The City appreciates the reviewer's support for potable water conservation and use of grey and recycled water. This comment does not raise environmental issues under CEQA.

B1-10: This comment does not raise environmental issues under CEQA. The Draft EIR represents a good faith effort to disclose all significant environmental effects of implementing the proposed General Plan, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed Plan. Decision makers are required to use this informational document to make a decision about the Plan contents and adoption (CEQA Guidelines Section 15090).

**B2: Herum/Crabtree Attorneys**

- B2-1: This comment—discussing the PRR (Planned Residential Reserve) land use designation, which exists in the current General Plan—represents a comment on the existing and proposed General Plan and not on the Draft EIR, and therefore does not require a response here.
- B2-2: The reviewer is correct in saying that “an environmentally superior alternative does not need to match all the project objectives in order to be a viable alternative.” As described on page 4-20 of the Draft EIR, Alternative A was selected as the environmentally superior alternative for having the least environmental impact relative to the proposed General Plan and Alternative B, while meeting most project objectives.
- B2-3: The reviewer is correct that elements from two or more alternatives may be blended to create a new alternative and meet the two percent growth policy. However, the environmental impacts generally correlate with population and job projection estimates. Alternative A enjoys the benefits of lower vehicle miles traveled and greenhouse gas emissions compared with the proposed General Plan in part due to the fact that it results in fewer residents and jobs. Adding land area to accommodate the additional population to meet the two percent growth policy will result in additional environmental impacts, likely similar to those identified in the project.
- B2-4: As described on page 4-1 of the Draft EIR, according to CEQA Guidelines, the range of alternatives “shall include those that could feasibly accomplish *most* of the basic purposes of the project and could avoid or substantially lessen one or more of the significant impacts” (Section 15126.6(c)) (emphasis added). The project objectives, as described on page 2-4 of the Draft EIR, were synthesized during the planning process, as a result of input from community members, City staff, and decision makers. They articulate a vision for Lodi’s future in the next 20 years. When the City set out to define alternatives to the proposed General Plan, it had to balance the basic project objectives with opportunities for substantially lessening significant environmental effects.

The Draft EIR represents a good faith effort to disclose all significant environmental effects of implementing the proposed General Plan, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed Plan. Decision makers ultimately decide on a preferred project, and prepare findings, facts in support of findings, and a statement of overriding considerations, as necessary, to support their decision.

**B3: Bruce Fry**

- B3-1: This comment, regarding the reviewer’s preference for Alternative A, does not raise environmental issues under CEQA; however, as a part of the public record, the City will take this comment into account in its decision on the proposed General Plan.
- B3-2: This comment—discussing the PRR (Planned Residential Reserve) land use designation, which exists in the current General Plan—represents a comment on the

existing and proposed General Plan and not on the Draft EIR, and therefore does not require a response here.

B3-3: The objectives of the proposed General Plan clarify the proposed growth pattern, as described on page 2-4 of the Draft EIR (emphasis added):

- **Objective #1: Compact Urban Form.** The Plan enhances Lodi's compact urban form, *promoting infill development* downtown and along key corridors, while also outlining growth possibilities directly adjacent to the existing urban edge. *The City's overall form will be squarish, reinforcing the centrality of downtown, with virtually all new development located within three miles from it.*
- **Objective #2: Mokelumne River as the City's Northern Edge.** The Lodi community has expressed a desire to see the river remain as the city's northern edge. The southern bank of the river (within the city) is occupied by residential uses and streets do not reach the river. Therefore, connectivity across the river to knit the urban fabric would be challenging if growth were to extend northward.
- **Objective #7: Agricultural Preservation Along Southern Boundary.** In order to *preserve agriculture and maintain a clear distinction between Lodi and Stockton*, the Plan acknowledges the Armstrong Road Agricultural/Cluster Study Area along the south edge of Lodi, from Interstate 5 (I-5) to State Route (SR) 99, and south to Stockton's Planning Area boundary.

The Land Use Diagram presented in Figure 2.3-1 on page 2-7 of the Draft EIR does depict urban development continuing south up to Hogan Lane, as the reviewer recommends, from Lower Sacramento Road on the west, past the Central California Traction Railroad to the east. However, it recommends stopping urban development at that boundary due to the reasons identified in the three objectives above.

B3-4: This comment, recommending that the area south of Harney Lane and north of Armstrong Road be designated as Urban Reserve, represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here.

B3-5: The water supply analysis presented on page 3.13-13 of the Draft EIR represents a good faith effort to evaluate the potential environmental effects of the proposed General Plan. The assumptions used are the best available and reflect existing knowledge and data. In the case of water supply, the analysis relies on the City's adopted 2005 Urban Water Management Plan (UWMP).

As described on page 3.13-13 of the Draft EIR, during dry years, the reliable water supply is estimated at 25,310 acre-feet. As a result, potential water shortage at full development could be 4,040 acre-feet in a dry year, meeting 86% of demand. The analysis on page 3.13-15 further concludes that because of recycled water supply opportunities, gray water and rain water catchment systems, and proposed General Plan policies that both restricts development until water supply is assured and promote

potable water conservation, supply will meet demand, making the potential impact less than significant.

A revision to page 3.13-15 of the Draft EIR (see Table 4-1 in Chapter 4 of this Final EIR) describes the City's Water Conservation Ordinance which further supports water conservation, enforces penalties when water is wasted, and permits the City to take additional conservation measures in the case of a water supply emergency. While the draft EIR does not evaluate scenarios where UWMP assumptions change, such as groundwater pumps malfunctioning, as hypothetically referenced by the reviewer, these revisions do explain the City's regulations during a water emergency situation.

- B3-6: Comment noted regarding a preference for the City to pursue surface water rather than groundwater sources and not on the Draft EIR, and therefore does not require a response here.
- B3-7: Comment noted regarding the reviewer seeking additional analysis of water demand. The demand analysis presented on page 3.13-12 of the Draft EIR represents the best effort to evaluate the potential environmental effects of the proposed General Plan. The assumptions used are the best available and reflect existing knowledge and data. The water analysis will be updated as part of the City's regular updating of its Urban Water Management Plan, as highlighted in policy GM-P10 of the proposed General Plan: "...The Urban Water Management Plan should be updated on a five year basis in compliance with State of California mandated requirements. Future plans should be developed in 2010, 2015, 2020, 2025, and 2030."
- B3-8: Comment noted regarding the reviewer seeking additional analysis of water quality. The potential impacts of the proposed General Plan in terms of water quality are identified in the impact analysis beginning on page 3.7-8 of the Draft EIR. Potential impacts are considered less than significant given the regulatory requirements and standards to which existing and future development must comply. Additionally, General Plan policies have been proposed to ensure potential environmental effects on water quality remain less than significant.
- B3-9: This comment, regarding the agricultural conservation program, represents a comment on the proposed General Plan and not on the Draft EIR, and therefore does not require a response here.

**B4: Joseph L. Manassero**

- B4-1: This comment—discussing the PRR (Planned Residential Reserve) land use designation—represents a comment on the existing and proposed General Plan and not on the Draft EIR, and therefore does not require a response here.
- B4-2: As described on page 4-20 of the Draft EIR, Alternative A was selected as the environmentally superior alternative for having the least environmental impact relative to the proposed General Plan and Alternative B, while meeting most project objectives. The reviewer is correct in saying that additional land area could be added to the east

and west of Alternative A in order to meet the two percent growth policy. However, the environmental impacts generally correlate with population and job projection estimates. Alternative A enjoys the benefits of lower vehicle miles traveled and greenhouse gas emissions compared with the proposed General Plan in part due to the fact that it results in fewer residents and jobs. Adding land area to accommodate the additional population to meet the two percent growth policy will result in additional environmental impacts, likely similar to those identified in the project.

B4-3: The City respectfully disagrees with the reviewer's comment. The Draft EIR is an informational document that represents a good faith effort to disclose all significant environmental effects of implementing the proposed General Plan. It identifies possible ways to minimize the significant effects and describes reasonable alternatives to the proposed Plan. It does not recommend the project nor any of the alternatives. Rather it is intended to assist the community in understanding potential impacts and ultimately to aid decision makers to decide on a preferred project, and prepare findings, facts in support of findings, and a statement of overriding considerations, as necessary, to support their decision.

B4-4: This comment, regarding the reviewer's preference for Alternative A, does not raise environmental issues under CEQA; however, as a part of the public record, the City will take this comment into account in its decision on the proposed General Plan.

**B5: Catherine T. Manassero**

B5-1: See Letter B4, response to comment B4-1.

B5-2: See Letter B4, response to comment B4-2.

B5-3: See Letter B4, response to comment B4-3.

B5-4: See Letter B4, response to comment B4-4.

**B6: Michael J. Manassero**

B6-1: See Letter B4, response to comment B4-1.

B6-2: See Letter B4, response to comment B4-2.

B6-3: See Letter B4, response to comment B4-3.

B6-4: See Letter B4, response to comment B4-4.

**B7: Patricia M. Manassero**

B7-1: See Letter B4, response to comment B4-1.

B7-2: See Letter B4, response to comment B4-2.

B7-3: See Letter B4, response to comment B4-3.

B7-4: See Letter B4, response to comment B4-4.

**B8: Jack D. Ward**

B8-1: The Environmental Impact Report does not recommend Alternative A nor does it recommend the proposed General Plan. The Draft EIR represents a good faith effort to disclose all significant environmental effects of implementing the proposed General Plan, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed Plan. Decision makers may then use this informational document to make a decision about Plan contents and adoption.

B8-2: This comment, regarding the reviewer's preference for Alternative A, does not raise environmental issues under CEQA; however, as a part of the public record, the City will take this comment into account in its decision on the proposed General Plan.

**B9: Joseph Kaehler**

B9-1: See Letter B8, response to comment B8-1.

B9-2: See Letter B8, response to comment B8-2.

**B10: Illegible name**

B10-1: See Letter B8, response to comment B8-1.

B10-2: See Letter B8, response to comment B8-2.

**B11: John Kaehler**

B11-1: See Letter B8, response to comment B8-1.

B11-2: See Letter B8, response to comment B8-2.

**B12: Illegible name**

B12-1: See Letter B8, response to comment B8-1.

B12-2: See Letter B8, response to comment B8-2.

**B13: Grace Puccinelli**

B13-1: See Letter B8, response to comment B8-1.

B13-2: See Letter B8, response to comment B8-2.

**B14: Illegible name**

B14-1: See Letter B8, response to comment B8-1.



B14-2: See Letter B8, response to comment B8-2.

**B15: Illegible name**

B15-1: See Letter B8, response to comment B8-1.

B15-2: See Letter B8, response to comment B8-2.

**B16: Douglass Manassero**

B16-1: See Letter B8, response to comment B8-1.

B16-2: See Letter B8, response to comment B8-2.

**B17: Illegible name**

B17-1: See Letter B8, response to comment B8-1.

B17-2: See Letter B8, response to comment B8-2.

**B18: Illegible name**

B18-1: See Letter B8, response to comment B8-1.

B18-2: See Letter B8, response to comment B8-2.

**B19: Illegible name**

B19-1: See Letter B8, response to comment B8-1.

B19-2: See Letter B8, response to comment B8-2.

**B20: Illegible name**

B20-1: See Letter B8, response to comment B8-1.

B20-2: See Letter B8, response to comment B8-2.

**B21: Illegible name**

B21-1: See Letter B8, response to comment B8-1.

B21-2: See Letter B8, response to comment B8-2.

**B22: Steve J. Borra Jr.**

B22-1: See Letter B8, response to comment B8-1.

B22-2: See Letter B8, response to comment B8-2.

**B23: Beverly Borra**

B23-1: See Letter B8, response to comment B8-1.

B23-2: See Letter B8, response to comment B8-2.

**B24: Lucille Borra**

B24-1: See Letter B8, response to comment B8-1.

B24-2: See Letter B8, response to comment B8-2.

**B25: Gary Tsutsumi**

B25-1: See Letter B8, response to comment B8-1.

B25-2: See Letter B8, response to comment B8-2.

**B26: Illegible name**

B26-1: See Letter B8, response to comment B8-1.

B26-2: See Letter B8, response to comment B8-2.

**B27: Illegible name**

B27-1: See Letter B8, response to comment B8-1.

B27-2: See Letter B8, response to comment B8-2.

**B28: Illegible name**

B28-1: See Letter B8, response to comment B8-1.

B28-2: See Letter B8, response to comment B8-2.

**B29: Illegible name**

B29-1: See Letter B8, response to comment B8-1.

B29-2: See Letter B8, response to comment B8-2.

**B30: Thomas Gooding**

B30-1: See Letter B8, response to comment B8-1.

B30-2: See Letter B8, response to comment B8-2.

**B31: Louise Gooding**

B31-1: See Letter B8, response to comment B8-1.

B31-2: See Letter B8, response to comment B8-2.

**B32: Illegible name**

B32-1: See Letter B8, response to comment B8-1.

B32-2: See Letter B8, response to comment B8-2.

**B33: Mike Mason**

B33-1: See Letter B8, response to comment B8-1.

B33-2: See Letter B8, response to comment B8-2.

**B34: Jake Diede**

B34-1: See Letter B8, response to comment B8-1.

B34-2: See Letter B8, response to comment B8-2.

**B35: Steven L. Diede**

B35-1: See Letter B8, response to comment B8-1.

B35-2: See Letter B8, response to comment B8-2.

**B36: Izzac Ramirez**

B36-1: See Letter B8, response to comment B8-1.

B36-2: See Letter B8, response to comment B8-2.

**B37: Robert Lee**

B37-1: See Letter B8, response to comment B8-1.

B37-2: See Letter B8, response to comment B8-2.

**ORAL TESTIMONY**

**C-1: Planning Commission Hearing on Draft EIR**

Oral comments were heard at a Planning Commission public hearing on the Draft EIR, on December 9, 2009. Jane Wagner-Tyack voiced oral comments, but also provided the same comments in a letter. Responses to this letter, Letter B1, are provided above. All other comments heard represented comments on the proposed General Plan and did not raise environmental issues under CEQA and therefore will not be addressed in this response to comments on the Draft EIR.

## 4 Revisions to the Draft EIR

This chapter includes the revisions to the Draft EIR. These revisions have been made in response to comments or based on review by the EIR preparers. The revisions appear here in the order they appear in the Draft EIR. Text additions are noted in underline and text deletions appear in ~~strikeout~~.

The City may refine the proposed General Plan based upon agency and public comments. These changes will not alter the conclusions presented in the Draft EIR regarding significant environmental impacts or mitigation measures and therefore do not trigger recirculation. Revisions to the Draft EIR are described in Table 4-1 and organized by chapter, page and table or figure, where applicable. Certain revised pages (including revised figures) have been appended to the end of this chapter, for clarity purposes; these pages are referenced in the table.

**Table 4-1: Revisions to the Draft EIR**

<i>Chapter/ Section</i>	<i>Page</i>	<i>Correction</i>
3.2	3.2-15	The second sentence of the first paragraph is amended as follows: Table 3.2-4 presents the existing and projected <u>(2030)</u> traffic volumes and LOS for individual roadway segments throughout the city.
3.2	3.2-21	Add paragraph following Table 3.2-4: <u>Future (2030) traffic volumes and LOS values were assessed for two additional north-south segments, between Harney Lane and Armstrong Road:</u> <ul style="list-style-type: none"> <li>• <u>Lower Sacramento Rd: 24,500, LOS B</u></li> <li>• <u>West Lane: 28,500, LOS D</u></li> </ul> <u>Existing daily traffic volumes and LOS were not assessed. These additional segments do not alter the conclusions presented in the Draft EIR regarding significant environmental impacts and therefore do not trigger recirculation</u>
3.2	3.2-22	The following text is added after the first paragraph of the Impact Methodology section. The referenced Table 3.2-4A may be found at this end of this chapter. <u>The traffic demand forecasting model summarizes land uses, street network, travel characteristics, and other key factors. Using these data, the model performs a series of calculations to determine the amount of trips generated, where each trip begins and ends, and the route taken by the trip. Trip generation is estimated by land use, using factors, as described in a new table, Table 3.2-4A. These trips are aggregated to determine daily traffic volumes and total vehicle trips in addition to other outcomes.</u>
3.7	3.7-1	The <del>Comanche</del> <u>Camanche</u> Reservoir is located on the Mokelumne River approximately 20 miles northeast of the Planning Area (City of Lodi, 1988; Department of Water Resources, 2006).
3.7-4		A second map is added to this page to show groundwater basins. This new map, Figure 7.2-1A is appended at the end of this section.
3.13-15		The following text is added after the third paragraph under the heading “Policies and Mitigations:”

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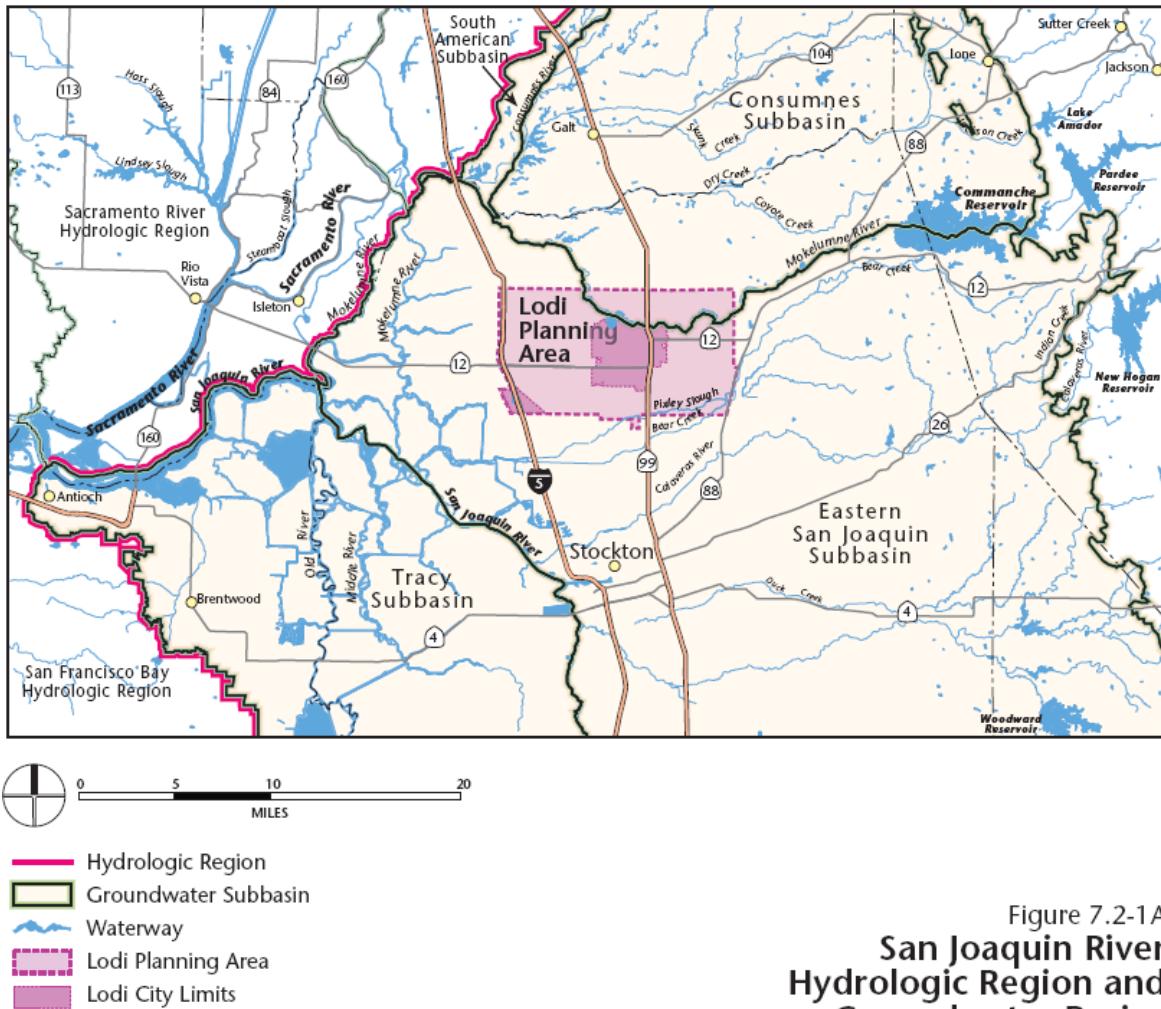
Third, the City's Water Conservation Ordinance promotes water conservation by restricting water of landscaping to certain days and hours. (For example, odd numbered street addresses may only water landscaping on Wednesdays, Fridays and Sundays, and watering between May 1 and September 30, between 10AM and 6PM is prohibited.) The ordinance also specifies enforcement procedures, including sanctions for non-compliance. Most importantly, in relation to dry year scenarios, the ordinance also permits the City to place additional restrictions on water use in an emergency situation to manage water pressure and/or supply demands.

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**Table 3.2-4A: Daily Vehicle Trip Generation Rates**

<i>Land Use Type</i>	<i>Units</i>	<i>Daily Trips Generated per Unit</i>
<b>Residential</b>		
Single Family	Dwelling Units	11
Multi-Family	Dwelling Units	7
Duplex	Dwelling Units	9
Mobile Home	Dwelling Units	4.99
Retirement Home	Thousand Square-feet	3.3
<b>Non-Residential</b>		
General Commercial/Shopping Center	Thousand Square-feet	45
Super Store	Thousand Square-feet	60
Downtown/Neighborhood Commercial	Thousand Square-feet	25
Office	Thousand Square-feet	15
Light Industrial	Thousand Square-feet	6.97
Heavy Industrial	Thousand Square-feet	1.7
Public Uses	Thousand Square-feet	1
High School	Students	1.71
Elementary & Junior High School	Students	1.29
Hotel	Rooms	8.92
Hospital	Thousand Square-feet	17.57
Highway Commercial	Thousand Square-feet	845.6

Source: City of Lodi Travel Demand Forecasting Model, Final Model Development Report, Fehr and Peers, February 2008.





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RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT RELATING TO THE GENERAL PLAN;  
STATE CLEARINGHOUSE NO. 2009022075

=====

WHEREAS, California Government Code section 65300 mandates that cities shall adopt a comprehensive, long-term general plan for the physical development of the City, and of any land outside its boundaries which in the City's judgment bears a relation to its planning; and

WHEREAS, the City Council initiated the comprehensive update to the City's General Plan on May 17, 2006, pursuant to Resolution No. 2006-94; and

WHEREAS, the Community Development Director made a determination that the update to the City's General Plan may have a potentially significant impact on the environment and ordered the preparation of an Environmental Impact Report (EIR); and

WHEREAS, the Notice of Preparation (NOP) of the Draft EIR was prepared and distributed to reviewing agencies on February 17, 2009; and

WHEREAS, the Draft Environmental Impact Report (DEIR) on the proposed General Plan (State Clearinghouse No. 2009022075 was released for circulation on November 25, 2009, for the statutorily mandated comment period of no less than 45-days; and

WHEREAS, the Planning Commission of the City of Lodi, after ten (10) days published notice, held a study session and public hearing on December 9, 2009. Public comments on the DEIR were taken at the hearing; and

WHEREAS, the City Council of the City of Lodi, after ten (10) days published notice, took public testimony on the DEIR on January 6, 2010; and

WHEREAS, written responses were prepared to all comments, oral and written, regarding the DEIR received during the public comment period; and

WHEREAS, a Final EIR (FEIR) responding to all public comments, oral and written, regarding the DEIR received during the public comment period was prepared and released to the public and commenting agencies on February 6, 2010; and

WHEREAS, on February 17, 2010, the City Council, after ten (10) days published notice held a public hearing on the FEIR; and

WHEREAS, the City Council independently reviewed, analyzed and certified the FEIR; and

WHEREAS, the California Environmental Quality Act (CEQA) requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant effects, the decision-making agency make certain findings regarding those effects.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. THAT THE CITY COUNCIL hereby finds that full and fair public hearings have been held on the FEIR and the City Council having considered all comments received thereon, said FEIR is hereby determined to be adequate and complete; and said FEIR is hereby incorporated herein by reference.
3. THAT THE CITY COUNCIL hereby determines, in connection with the proposed General Plan identified in the FEIR, has been prepared in compliance with the California Environmental Quality Act (CEQA) and the state and local environmental guidelines and regulations, that it has independently reviewed and analyzed the information contained therein, including the written comments received during the DEIR review period and the oral comments received at the public hearings, and that the FEIR represents the independent judgment of the City of Lodi as Lead Agency for the project.
4. THAT THE CITY COUNCIL does hereby find and recognize that the FEIR contains additions, clarifications, modifications and other information in its responses to comments on the DEIR and also incorporates text changes to the DEIR based on information obtained from the City since the DEIR was issued. The City Council does hereby find and determine that such changes and additional information are not significant new information as that term is defined under the provisions of the CEQA because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the proposed General Plan and they do not reflect any substantial increase in the severity of any environmental impact; no feasible mitigation measures considerably different from those previously analyzed in the DEIR have been proposed that would either lessen a significant environmental impact of the project or result in a new, substantial environmental impact; no feasible alternatives considerably different from those analyzed in the DEIR have been proposed that would lessen the significant environmental impacts of the project; and the DEIR was adequate. Accordingly, the City Council hereby finds and determines that recirculation of the Final EIR for further public review and comment is not warranted. (CEQA Guidelines §15088.5).
5. THAT THE CITY COUNCIL does hereby make the findings with respect to the significant effects on the environment resulting from the project, as identified in the herein before mentioned FEIR, with the stipulation that (i) all information in these findings is intended as a summary of the full administrative record supporting the FEIR, which full administrative record is available for review through the Director of Community Development located in City Hall, 221 West Pine Street, Lodi, 95241, and (ii) any mitigation measures and/or alternatives that were suggested by the commentators on the DEIR and were not adopted as part of the FEIR are hereby expressly rejected for the reasons stated in the responses to comments set forth in the FEIR and elsewhere in the record. The significant and unavoidable impacts of the proposed General Plan as determined by the City are listed below. In addition, the findings and facts supporting the findings in connection therewith are listed. The following areas were discussed in the FEIR:

## ENVIRONMENTAL IMPACTS OF THE GENERAL PLAN:

### Summary of Impacts and Proposed General Policies that Reduce the Impact

#	Impact	Proposed General Policies that Reduce the Impact	Significance	Mitigation
<b>3.1</b>	<b>Land Use and Housing</b>			
3.1-1	The proposed General Plan would not physically divide any established communities and would increase connectivity locally and regionally.	N/A	Beneficial	N/A
3.1-2	The proposed General Plan would conflict with an applicable land use plan, policy, or regulation.	LU-P1, LU-P17, CD-P2, CD-P3, CD-P4, CD-P6, CD-P9, CD-P11, CD-P31, GM-P10	Less than Significant	None required
<b>3.2</b>	<b>Traffic and Circulation</b>			
3.2-1	The proposed General Plan would result in a substantial increase in vehicular traffic that would cause certain facilities to exceed level of service standards established by the governing agency.	T-G1, T-P1, T-P2, T-P3, T-P4, T-PNEW, T-NEW, T-P8, T-NEW, T-P9, T-P10, T-P13, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P22, T-P24, T-P25, T-P27, T-P-28, T-P29, T-P43, T-P44, T-P45	Significant and Unavoidable	No feasible mitigation is currently available.
3.2-2	The proposed General Plan may adversely affect emergency access.	T-P1, T-P2, T-P8, T-P9, T-P10	Significant and Unavoidable	No mitigation measures are feasible.
3.2-3	The proposed General Plan may conflict with adopted policies, plans, or programs supporting alternative transportation modes.	T-G1, T-P8, T-P9, T-P10, T-P13, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P22, T-P24, T-P25, T-P27, T-P28, T-P29, T-P43, T-P44, T-P45, T-G2, T-G3, T-G4, T-G5, T-P11, T-P12, T-P21, T-P23, T-P26, T-P30, T-P38, T-P39	Significant and Unavoidable	No feasible mitigation is currently available.
<b>3.3</b>	<b>Agriculture and Soil Resources</b>			
3.3-1	Build out of the proposed General Plan would convert substantial amounts of Important Farmland to non-agricultural use.	C-G1, C-G2, C-P1, C-P2, C-P3, C-P4, C-P5, C-P6, C-P7, C-P8, GM-G1, GM-P2	Significant and Unavoidable	Not directly mitigable aside from preventing development altogether
3.3-2	Build out of the proposed General Plan would result in potential land use incompatibilities with sites designated for continued agriculture use.	C-P1, C-P2, C-P3, C-P4, C-P5, C-P6, C-P7, C-P8, GM-G1, GM-P2, CD-G1	Less than Significant	None required
<b>3.4</b>	<b>Biological Resources</b>			
3.4-1	Build out of the proposed General Plan could have a substantial adverse effect, either directly or through habitat modifications, on special status and/or common species.	C-P9, C-P10, C-P11, C-P12, C-P13, C-P14, C-P15, C-P16, C-P32, P-P9, P-P10, P-P11, P-P12	Less than Significant	None required
3.4-2	Build out of the proposed General Plan could have a substantial adverse effect on any riparian habitat or other sensitive	C-P9, C-P10, C-P11, C-P12, C-P13, C-P14, C-P15, C-P16, C-P32, P-P9, P-P10, P-P11, P-P12	Less than Significant	None required

## Summary of Impacts and Proposed General Policies that Reduce the Impact

#	Impact	Proposed General Policies that Reduce the Impact	Significance	Mitigation
	natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.			
3.4-3	Build out of the proposed General Plan could have a substantial adverse effect on "federally protected" wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, etc.).	C-P9, C-P10, C-P11, C-P12, C-P13, C-P14, C-P15, C-P16, C-P32, P-P9, P-P10, P-P11, P-P12	Less than Significant	None required
3.4-4	Build out of the proposed General Plan could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	C-P9, C-P10, C-P11, C-P12, C-P13, C-P14, C-P15, C-P16, C-P32, P-P9, P-P10, P-P11, P-P12	Less than Significant	None required
3.5	Cultural Resources			
3.5-1	Build out of the proposed General Plan may alter a historic resource.	CD-P10, C-G6, C-G7, C-P20, C-P21, C-P22, C-P23, C-P24, C-P25	Less than Significant	None required
3.5-2	Build out of the proposed General Plan could disrupt or adversely affect a prehistoric or historic archeological, paleontological, or culturally significant site.	C-G5, C-G6, C-P17, C-P18, C-P19	Less than Significant	None required
3.6	Climate Change and Greenhouse Gases			
3.6-1	Implementation of the proposed General Plan would increase total carbon dioxide equivalent emissions in Lodi, compared to existing conditions.	LU-G1, LU-G2, LU-G3, LU-G1, LU-G4, LU-P2, LU-P3, LU-P6, LU-P18, LU-P25, LU-P26, LU-P27, GM-G1, GM-G2, GM-G3, GM-P1, GM-P2, GM-P3, GM-P4, GM-P6, CD-G1, CD-P1, CD-G-4, CD-G-5, CD-P31, CD-P21, CD-P24, T-G2, T-G4, T-P13, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P23, T-P25, T-P28, T-P29, GM-P11, GM-P13, GM-P14, GM-P15, CD-G8, CD-G9, CD-P38, CD-P39, CD-P40, CD-P32, C-P39, C-PNEW, C-PNEW, C-P37, C-P38, C-P40, C-P42, GM-P19, CD-P15, CD-P16, CD-P19, C-P43, C-P44, C-P45, C-P41, C-G9, C-G10, C-P36, T-G8, T-P43, T-P44, T-P45, GM-P17, GM-P18	Overall Significant Cumulative Impact, Project Contribution Cumulatively Considerable	No feasible mitigation measures are currently available
3.6-2	Build out of the proposed General Plan could result in a substantial increase in per capita energy consumption in the city which would suggest more wasteful, inefficient, or unnecessary consumption of energy.	LU-G1, LU-G2, LU-G3, LU-G1, LU-G4, LU-P2, LU-P3, LU-P6, LU-P18, LU-P25, LU-P26, LU-P27, GM-G1, GM-G2, GM-G3, GM-P1, GM-P2, GM-P3, GM-P4, GM-P6, CD-G1, CD-P1, CD-G-4, CD-G-	Less than Significant	None required

## Summary of Impacts and Proposed General Policies that Reduce the Impact

#	Impact	Proposed General Policies that Reduce the Impact	Significance	Mitigation
		5, CD-P31, CD-P21, CD-P24, T-G2, T-G4, T-P13, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P23, T-P25, T-P28, T-P29, GM-P11, GM-P13, GM-P14, GM-P15, CD-G8, CD-G9, CD-P38, CD-P39, CD-P40, CD-P32, C-P39, C-PNEW, C-PNEW, C-P37, C-P38, C-P40, C-P42, GM-P19, CD-P15, CD-P16, CD-P19, C-P43, C-P44, C-P45, C-P41, C-G9, C-G10, C-P36, T-G8, T-P43, T-P44, T-P45, GM-P17, GM-P18		
<b>3.7</b>	<b>Hydrology and Water Quality</b>			
3.7-1	Build out of the proposed General Plan could alter existing drainage patterns of the area in a manner which would result in substantial erosion or siltation on- or offsite or increase sediment loads thereby affecting water quality, but this impact would be mitigated by existing State and local regulations and proposed General Plan policies.	C-P-26, C-P-27, C-P-28, C-P-29, C-P-30, C-P-31, C-P-32, C-P-33, C-P-34, C-P-35	Less than Significant	None required
3.7-2	Implementation of the proposed General Plan would may result in increased nonpoint source pollution entering storm water runoff and entering the regional storm drain system or surrounding water resources (from either construction or long-term development), but this impact would be mitigated by existing State and local regulations and proposed General Plan policies.	C-P-26, C-P-27, C-P-28, C-P-29, C-P-30, C-P-31, C-P-32, C-P-33, C-P-34, C-P-35	Less than Significant	None required
<b>3.8</b>	<b>Air Quality</b>			
3.8-1	Implementation of the proposed General Plan could result in a cumulatively considerable net increase of criteria pollutants which may conflict with or violate an applicable air quality plan, air quality standard or contribute substantially to an existing or projected air quality violation.	C-P46, C-P47, C-P48, C-P49, C-P50, C-P51, C-P52, C-P53, C-P54, C-P55, C-P56, C-P57, T-G4, T-G5, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P21, T-P22, T-P23, T-P24, T-P25, T-P26, T-P27, T-P28, T-P29, T-P38, T-P39, T-P43, T-P44, T-P45	Significant and Unavoidable	No feasible mitigation measures are currently available.
3.8-2	Build out of the proposed General Plan could expose sensitive receptors to substantial pollutant concentrations.	C-P46, C-P47, C-P48, C-P49, C-P50, C-P51, C-P52, C-P53, C-P54, C-P55, C-P56, C-P57, T-G4, T-G5, T-P14, T-P15, T-P16, T-P17, T-P18, T-P19, T-P20, T-P21, T-P22, T-P23, T-P24, T-P25, T-P26, T-P27, T-P28, T-P29, T-P38, T-P39, T-P43, T-P44, T-P45	Significant and Unavoidable	No feasible mitigation measures are currently available.

## Summary of Impacts and Proposed General Policies that Reduce the Impact

#	Impact	Proposed General Policies that Reduce the Impact	Significance	Mitigation
<b>3.9</b>	<b>Flood Hazards</b>			
3.9-1	Build out of the proposed General Plan could expose people or structures to a risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	S-P1, S-P2, S-P4, S-P5, S-P6, S-P7, S-PNEW, S-PNEW	Less than Significant	None required
<b>3.10</b>	<b>Seismic and Geologic Hazards</b>			
3.10-1	Implementation of the proposed General Plan has low to moderate potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death resulting from rupture of a known earthquake fault, ground shaking, landslides or liquefaction, though these risks are minimized through compliance with State regulations and proposed General Plan policies.	S-P16, S-P17, S-P18, S-P19, S-P20	Less than Significant	None required
3.10-2	Implementation of the proposed General Plan has moderate potential to result in substantial soil erosion or unstable soil conditions from excavation, grading or fill, though impacts would be mitigated with proposed General Plan policies.	S-P16, S-P17, S-P18, S-P19, S-P20	Less than Significant	None required
3.10-3	Implementation of the proposed General Plan has low potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death resulting from settlement and/or subsidence of the land, or risk of expansive soils, and policies in the proposed General Plan would further mitigate this impact.	S-P16, S-P17, S-P18, S-P19, S-P20	Less than Significant	None required
<b>3.11</b>	<b>Noise</b>			
3.11-1	Implementation of the proposed General Plan could result in a substantial permanent increase in ambient noise levels.	N-P1, N-P2, N-P3 N-P4, N-P5, N-P6, N-P7, N-P8, N-P9, N-P10, N-PNEW	Significant and Unavoidable	No feasible mitigation measures are currently available.
3.11-2	New development in the proposed General Plan would potentially expose existing noise-sensitive uses to construction-related temporary increases in ambient noise.	N-PNEW, N-PNEW	Less than Significant	None required
3.11-3	New development in the proposed General Plan could cause the exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.	N-P1, N-P2, N-P3 N-P4, N-P5, N-P6, N-P7, N-P8, N-P9, N-P10, N-PNEW, N-PNEW, N-PNEW	Less than Significant	None required
<b>3.12</b>	<b>Hazardous Materials, and Toxics</b>			
3.12-	Implementation of the proposed General Plan has the potential to create a significant	S-P8, S-P9, S-P10A, S-P10B, S-P11, S-P12, S-P13, S-P14, S-P15, S-P18,	Less than	None required



## Summary of Impacts and Proposed General Policies that Reduce the Impact

#	Impact	Proposed General Policies that Reduce the Impact	Significance	Mitigation
1	hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, though existing federal, State, and local regulations and proposed General Plan policies would sufficiently reduce the impact.	S-P22, S-P23, S-P24, S-P25	Significant	
3.12-2	Implementation of the proposed General Plan has the potential to locate land uses on sites which are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment.	S-P8, S-P9, S-P10A, S-P10B, S-P11, S-P12, S-P13, S-P14, S-P15, S-P18, S-P22, S-P23, S-P24, S-P25	Less than Significant	None required
3.12-3	Implementation of the proposed General Plan has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	S-P8, S-P9, S-P10A, S-P10B, S-P11, S-P12, S-P13, S-P14, S-P15, S-P18, S-P22, S-P23, S-P24, S-P25	Less than Significant	None required
3.12-4	Implementation of the proposed General Plan has the potential to result in the handling of hazardous materials or wastes within one-quarter mile of an existing or proposed school or other sensitive use.	S-P8, S-P9, S-P10A, S-P10B, S-P11, S-P12, S-P13, S-P14, S-P15, S-P18, S-P22, S-P23, S-P24, S-P25	Less than Significant	None required
<b>3.13 Infrastructure</b>				
3.13-1	New development under the proposed General Plan would increase the demand for water beyond projections in the Lodi Urban Water Management Plan.	GM-G2, GM-G3, GM-P7, GM-P8, GM-P9, GM-P10, GM-P11, GM-P12, GM-P13, GM-P14, GM-P15, GM-P16, GM-P17, GM-P18	Less than Significant	None required
3.13-2	New development under the proposed General Plan may exceed wastewater treatment capacity of existing infrastructure.	GM-G2, GM-G3, GM-P7, GM-P8, GM-P9, GM-P10	Less than Significant	None required
3.13-3	New development under the proposed General Plan would cause an increase in waste generation.	GM-P19, C-PNEW	Less than Significant	None required
<b>3.14 Public Facilities</b>				
3.14-1	New development under the proposed Lodi General Plan will increase the demand for school facilities.	GM-NEW, GM-NEW, GM-NEW, GM-P20	Less than Significant	None required
3.14-2	New development in the proposed General Plan requires police and fire protection services that exceed current staffing and facilities.	GM-G4, GM-P22, GM-P23, S-P22, S-P23, S-P24, S-P25	Less than Significant	None required
<b>3.15 Parks and Recreation</b>				

### Summary of Impacts and Proposed General Policies that Reduce the Impact

#	Impact	Proposed General Policies that Reduce the Impact	Significance	Mitigation
3.15-1	Future development as a result of the proposed General Plan may result in failure to meet all of the City's park standard goals and increase the use of existing parks and recreation facilities, which would accelerate physical deterioration.	P-G3, P-P1, P-P3, P-P5, P-P7, P-P19, P-P20	Less than Significant	None required
3.15-2	Implementation of the proposed General Plan would result in increased accessibility of parks and recreation facilities from residential neighborhoods.	P-G3, P-P1, P-P3, P-P5, P-P7, P-P19, P-P20	Beneficial	N/A
3.16	Visual Resources			
3.16-1	Future proposed development in Lodi has the potential to affect scenic vistas within the Planning Area	CD-P20, CD-P22, CD-P23	Less than Significant	None required
3.16-2	New development and redevelopment activities have the potential to change Lodi's visual character, particularly where incompatibilities with existing development in scale and/or character may exist.	CD-G1, CD-G2, CD-G3, CD-G6, CD-G7, CD-P2, CD-P3, CD-P4, CD-P5, CD-P6, CD-P7, CD-P8, CD-P10, CD-P11, CD-P12, CD-P15, CD-P16, CD-P17, CD-P18, CD-P19, CD-P24, CD-P26, CD-P28, CD-P29, CD-P30, CD-P31, CD-P32, CD-P34, GM-G1, GM-P1, GM-P2, C-P20, C-P23, C-P24	Less than Significant	None required
3.16-3	Development under the proposed General Plan has the potential to adversely affect visual resources in the short-term during periods of construction by blocking or disrupting views.	None	Less than Significant	None required
3.16-4	Development under the proposed General Plan has the potential to create new sources of light or glare which would adversely affect day or nighttime views in the area.	CD-P33	Less than Significant	None required

### FINDINGS REGARDING IMPACTS REDUCED TO A LESS THAN SIGNIFICANT LEVEL:

Based upon the FEIR and the entire record the City Council finds that the mitigation measures and proposed General Plan policies identified above are feasible and will be required in, or incorporated into, the proposed General Plan. These mitigation measures will reduce the impact to a less than significant level except as otherwise noted.

### FINDINGS REGARDING GROWTH-INDUCING IMPACTS:

The EIR must examine the potential growth-inducing impacts of the proposed General Plan. More specifically, CEQA Guidelines require that the EIR "discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly" (CEQA Guidelines §15126.2(d)). This analysis

must also consider the removal of obstacles to population growth, such as improvements in the regional transportation system.

### **Projected Growth**

Lodi currently contains 23,353 housing units. Approximately 3,700 housing units have recently been approved or are under construction. The proposed General Plan accommodates 10,100 new residential units. Together, this results in the potential for 37,200 housing units, an increase of 38% above existing and approved units. Approximately half of the housing units will be low-density housing (i.e. single-family), a quarter medium-density, and the remaining quarter high-density and mixed-use residential (containing a mix of density levels).

### **Population**

Lodi currently contains approximately 63,400 residents. The proposed General Plan could accommodate 26,400 additional residents. Accounting for the current population as well as new residents anticipated from recently approved projects (approximately 9,700 residents); full development of the General Plan could result in a total of 99,500 residents, representing an annual growth rate of 2%, consistent with the Growth Management Ordinance. Total residents under the proposed General Plan would exceed the San Joaquin Council of Governments (SJCOG) population projection of 81,717 in 2030 by 22%. (Notably, these SJCOG estimates are based on historical growth rates in Lodi and do not dictate how much growth could be accommodated.) The proposed General Plan accommodates 20% more residents than the No Project scenario, which allows for a population of 82,600 people. However, the population growth in the proposed General Plan is consistent with an annual growth rate of 2% as allowed in Lodi's Growth Management Ordinance.

### **Employment**

Lodi currently contains 24,700 jobs. Recently approved or completed development projects are expected to produce an additional 2,900 jobs. Total additional employment accommodated in the proposed General Plan by new commercial, office, industrial, and mixed-use land designations could allow for 23,400 new jobs in Lodi. In sum, Lodi could expect up to 51,000 jobs under the proposed General Plan, an increase of 85%. Total jobs under the proposed General Plan would exceed the SJCOG jobs projection of 33,686 in 2030 by 51%. Similarly, the proposed General Plan accommodates 56% more jobs than the No Project scenario, which includes 32,700 jobs. The increase in jobs under the proposed General Plan serves to improve the balance of jobs and housing.

### **Jobs/Housing Balance**

A city's jobs/employment ratio (jobs to employed residents) would be 1.0 if the number of jobs in the city equaled the number of employed residents. In theory, such a balance would eliminate the need for commuting. More realistically, a balance means that in-commuting and out-commuting are matched, leading to efficient use of the transportation system, particularly during peak hours. The proposed General Plan projects a more balanced jobs/employed residents ratio when compared to existing conditions. In 2008, Lodi had a jobs/employed residents ratio of 0.8, meaning that the city did not have quite enough jobs for all the working people who lived there, even if the match between job skills required and job skills offered had been perfect. As of 2000, 54% of Lodi's employed residents commuted out of Lodi for work. The proposed General Plan designates land area for substantial employment growth, should market opportunities exist, as one attempt to reduce out-commuting and enable existing and future Lodi residents to work in Lodi. While the increase in new jobs exceeds the

increase in new employed residents, the combined effect will result in a more balanced ratio of 1.0. This ratio suggests that the city would have about as many jobs as employed residents.

### **Increase in Regional Housing Demand**

As the employment base in Lodi increases, more people may be drawn to Lodi and surrounding areas, thereby increasing housing demand in both Lodi and other adjacent areas that are within commuting distance. Proposed new employment would primarily be located in the southeastern corner of Lodi, easily accessible from major transportation routes. Service to Lodi via Amtrak and regional bus service would also provide access to new jobs from other cities. In addition, the proposed General Plan has the potential to result in development of approximately 10,100 new housing units by the year 2030, which will help meet some of the increased housing need. Lodi's updated Housing Element, which addresses housing programs and how Lodi will accommodate its regional housing needs allocation, is part of the proposed General Plan.

### **Growth Management**

While the proposed General Plan allows growth beyond SJCOG's projections, the proposed General Plan represents an annual growth rate of 2%, which meets the maximum population permissible under the City's Growth Management Ordinance. The proposed General Plan also includes multiple growth management techniques including phasing, a community separator, and continuation of the Growth Management Ordinance. While policies to regulate the location, pace, and timing of growth are included, these will not restrict Lodi's ability to meet its housing need obligations or long-range growth projections by regional agencies. Key policies and strategies are described in Chapter 2: Project Description.

Because growth under the proposed General Plan is consistent with allowable growth under the Growth Management Ordinance, is managed through multiple strategies to maintain a compact form, and helps the City achieve a more balanced jobs/housing ratio, the proposed General Plan is not expected to significantly contribute, directly or indirectly, to regional, subregional or citywide growth inducing impacts.

### **FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE CHANGES:**

The EIR must also examine irreversible changes to the environment. More specifically, CEQA Guidelines require the EIR to consider whether "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely" (CEQA Guidelines §15126.2(c)). "Nonrenewable resource" refers to the physical features of the natural environment, such as land, waterways, etc.

### **Air Quality**

Increases in vehicle trips and traffic resulting from implementation of the proposed General Plan would potentially contribute to long-term degradation of air quality and atmospheric conditions in the region, other parts of California, and the Western United States. However, technological improvements in automobiles, as well as commercial and industrial machinery, may lower the rate of air quality degradation in the coming decades.

## **Agricultural Land and Open Space**

Development under the proposed General Plan could result in the permanent conversion of just under 2,893 acres of prime farmland to urban uses. This conversion has a wide array of impacts, ranging from habitat modifications to visual disruptions to new noise sources and stormwater drainage constraints. Overall, this represents a significant and irreversible environmental change.

## **Energy Sources**

New development under the proposed General Plan would result in the commitment of existing and planned sources of energy, which would be necessary for the construction and daily use of new buildings and for transportation. Residential and non-residential development use electricity, natural gas, and petroleum products for power, lighting, heating, and other indoor and outdoor services, while cars use both oil and gas. Use of these types of energy for new development would result in the overall increased use of non-renewable energy resources. This represents an irreversible environmental change. However, energy-reduction efforts may lower the rate of increase.

## **Construction-Related Impacts**

Irreversible environmental changes could also occur during the course of constructing development projects made possible by the proposed General Plan. New construction would result in the consumption of building materials, natural gas, electricity, water, and petroleum products. Construction equipment running on fossil fuels would be needed for excavation and the shipping of building materials. Due to the non-renewable or slowly renewable nature of these resources, this represents an irretrievable commitment of resources.

## **FINDINGS REGARDING CUMULATIVE IMPACTS:**

The proposed General Plan's cumulative impacts are discussed in the DEIR on pages 5-3, 5-4 and 5-5. CEQA requires that the EIR examine cumulative impacts. As discussed in CEQA Guidelines Section 15130(a)(1), a cumulative impact "consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." The analysis of cumulative impacts need not provide the level of detail required of the analysis of impacts from the project itself, but shall "reflect the severity of the impacts and their likelihood of occurrence" (CEQA Guidelines §15130(b)).

In order to assess cumulative impacts, the EIR must analyze either a list of past, present, and probable future projects or a summary of projections contained in an adopted general plan or related planning document. It is important to note that the proposed General Plan is essentially a set of projects, representing the cumulative development scenario for the reasonably foreseeable future in the Lodi Planning Area. This future scenario incorporates the likely effects of surrounding regional growth.

By their nature, the air quality, transportation, noise, and greenhouse gas (GHG) emissions analyses presented in Chapter 3: Settings, Impacts, and Mitigation Measures represent a cumulative analysis of the Planning Area as a whole. As a result of adding the proposed General Plan to the regional land use and transportation baseline, the travel demand, level of service operations, and associated air quality and GHG emissions produced by the proposed project is the cumulative condition for CEQA purposes. Some cumulative impacts on transportation, air quality, and noise are found to be significant; in addition, the cumulative effects on GHG emissions are found to be cumulatively significant, and the project's contribution cumulatively considerable.

## **FINDINGS REGARDING ALTERNATIVES TO THE PROJECT:**

CEQA mandates consideration and analysis of a reasonable range of alternatives to the proposed General Plan. According to CEQA Guidelines, the range of alternatives “shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant impacts” (CEQA Guidelines §15126.6(c)). The alternatives may result in new impacts that do not result from the proposed General Plan.

Case law suggests that the discussion of alternatives need not be exhaustive and that alternatives be subject to a construction of reasonableness. The impacts of the alternatives may be discussed “in less detail than the significant effects of the project proposed” (CEQA Guidelines §15126.6(d)). Also, the Guidelines permit analysis of alternatives at a less detailed level for general plans and other program EIRs, compared to project EIRs. The Guidelines do not specify what would be an adequate level of detail. Quantified information on the alternatives is presented where available; however, in some cases only partial quantification can be provided because of data or analytical limitations.

### **No Project Alternative**

The No Project Alternative represents the continuation of land use development under the 1991 General Plan. In this scenario, new development results largely from the development of Planned Residential and Planned Residential Reserve areas, in the west and south, respectively. These areas are assumed to develop primarily for residential uses, at seven units per acre, and with a portion of land reserved for public uses, parks, and drainage basins. The No Project Alternative is illustrated in Figure 4.2-1.

The No Project Alternative could result in a total of 82,600 residents and 32,700 jobs, leading to a jobs/employed residents ratio of 0.8. This alternative produces the fewest number of housing units, new residents, and jobs compared with the other alternatives.

### **Alternative A**

Alternative A fills in growth up to the existing Sphere of Influence (SOI) boundary and extends the urban area south to Armstrong Road. The bulk of new growth would be contained in the mile-wide band between Harney Land and Armstrong Road, including the Planned Residential Reserve designation between Hogan Lane and Armstrong Road. In the southeast (south of Kettleman Lane and east of SR-99), the alternative includes Business Park/Office uses, with commercial nodes around the Kettleman and Harney lane interchanges. Limited development is proposed through infill on vacant and underutilized sites in Downtown and along Cherokee Lane.

This alternative includes similar assumptions compared with the proposed General Plan in terms of the density, intensity, and land use categories. As a result, Alternative A could result in a total of 91,000 residents and 41,000 jobs, leading to a jobs/employed residents ratio of 0.9. These numbers represent lower development potential compared with the proposed General Plan and Alternative B, but higher than the No Project Alternative.

### **Alternative B**

In Alternative B, new development is concentrated on the west side of the city, beyond the existing SOI. New neighborhoods on the west side of the city would contain a diverse range of amenities and uses, including neighborhood services, parks and schools. These neighborhoods would be focused around walkable centers containing retail, office, and

higher density residential uses. A network of streets connects residential areas to these centers and to the existing street grid where feasible. Commercial and business uses would be located in the southeast, but in a smaller area than in Alternative A. A smaller portion of land is designated for urban and Rural Residential use between Harney and Hogan lanes. Finally, a small commercial node on Highway 12, adjacent to a site for a Lodi campus of San Joaquin Delta College, is also shown.

This alternative includes similar assumptions compared with the proposed General Plan in terms of the density, intensity, and land use categories. As a result, Alternative B could result in 104,400 residents and 47,000 jobs, leading to a jobs/employed residents ratio of 0.9. This alternative produces the largest increase population, but allows fewer jobs compared with the proposed General Plan.

CEQA Guidelines require the identification of an environmentally superior alternative among the alternatives analyzed in an EIR. Alternative A has been selected as the environmentally superior alternative.

Since the No Project Alternative results in the least amount of development, it results in the fewest environmental impacts and therefore would be the environmentally superior alternative. However, CEQA Guidelines stipulate that if the No Project Alternative is identified as the environmentally superior alternative, then another environmentally superior alternative must be identified, among the other alternatives and the project.

After the No Project, Alternative A has the least impact, relative to the proposed General Plan and Alternative B in the six environmental areas that have significant impacts: Traffic and Circulation, Agricultural Resources, Climate Change and Greenhouse Gases, Air Quality, and Noise. Alternative A has relatively more adverse impacts in the areas of Land Use and Housing and Parks and Recreation, when compared to the proposed General Plan and Alternative B. Particularly, in terms of Land Use, Alternative A does not allow sufficient growth to meet the city's future needs or the Growth Management Ordinance's allocation of 2% annual growth. This could also result in a cumulative regional impact as population and employment growth in the region may put additional pressure in the surrounding unincorporated areas or other parts of the region.

Alternative A and Alternative B meet many of plan objectives as described in Chapter 2: Project Description. However, the proposed General Plan achieves all these objectives to the highest extent, specifically exceeding the alternatives in the following three objectives:

- **Objective #1: Compact Urban Form.** The proposed General Plan ensures the most compact urban form, by prioritizing infill development downtown and along the city's major corridors during Phase 1.
- **Objective #7: Agricultural Preservation Along Southern Boundary.** The proposed General Plan and Alternative B also preserve an agricultural preservation buffer south of Hogan Lane (Alternative A and the No Project scenario both allow limited development through the Planned Residential Reserve designation).
- **Objective #11: Phasing Future Development.** The proposed General Plan segments development into three phases, providing a framework for how and where urban growth should proceed. Urban reserve areas ensure that the city conforms to its Growth Management Ordinance and grows at a reasonable rate.

Although Alternative A has been chosen as the environmentally superior alternative, it does not in all cases adequately meet the three objectives described above (out of the 11 defined

in the Project Description). Most critically, regarding Objective #11, Alternative A puts more growth pressures on other cities in the region and unincorporated portions of San Joaquin County. Reviewing historic trends, between 2000 and 2007, Lodi's population grew at half the rate compared with the County as a whole. Accommodating growth in Lodi through contiguous responsible development relieves some of this pressure elsewhere in the region. Alternative B conforms to the City's Growth Management Ordinance, but does not provide environmental impact reduction benefits and does not achieve of the plan objectives. The proposed General Plan achieves all plan objectives while establishing policies to reduce environmental impacts to the greatest extent possible.

## **FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS:**

### **Transportation and Circulation**

The proposed General Plan would result in a substantial increase in vehicular traffic that would cause certain facilities to exceed LOS standards established by the City (for City facilities) and the County (for regional routes). Proposed General plan policies and improvements have been identified to minimize transportation impacts, but even with these measures, the impact is considered significant and unavoidable. Proposed General Plan policies, intended to improve neighborhood character and the pedestrian environment, could adversely affect access for emergency vehicles in Lodi. Planned improvements that would help mitigate this impact include roadway extensions, roadway widenings, and the construction of a new arterial, all of which would serve to enhance connectivity and local neighborhood circulation. Still, implementation of the proposed General Plan and increases in regional travel passing through Lodi would increase the amount of vehicular traffic in and around Lodi, and would therefore increase the number of potential emergency access conflicts, resulting in a significant and unavoidable impact.

The substantial increases in vehicle trips and vehicle miles of travel resulting from the proposed General Plan could create conflicts with the goals and objectives of established alternative transportation plans. Increased traffic volumes may make it more difficult and time-consuming for pedestrians to cross some streets. Higher traffic volumes on some facilities could discourage bicycle travel, especially among non-expert bicycle users. Additionally, increased delay on some of Lodi's roadway facilities could increase travel times for the various bus services that serve the city and provide access to regional travel services like Amtrak and ACE.

### **Agricultural Resources**

While one quarter of the gross proposed General Plan potential development area is infill and will not reduce the amount of farmland, some conversion of agricultural land to urban use is inevitable given Lodi's growth needs. If the proposed General Plan were developed to maximum capacity, 2,893 acres of land classified as Prime Farmland would be replaced by urban development (including parks and open spaces). This area represents 69% of the new urban area delineated in the General Plan Land Use Diagram. The most prevalent crop types that would be displaced if the proposed General Plan developed to its fullest potential are vineyards (1,676 acres), deciduous fruits and nuts (516 acres), and field crops (322 acres). Although there are policies in the proposed General Plan to reduce this impact, the potential conversion of agricultural land—which will affect some agricultural activities and prime agricultural soils—is significant and unavoidable.



## **Climate Change and Greenhouse Gases**

Under the proposed General Plan, future emissions are estimated to increase to 419,221 MTCO<sub>2</sub>e in 2030 with State mandates, an increase of approximately 32% over the existing condition. This increase in emissions under the proposed General Plan is largely a result of job growth. This estimate, however, does not account for policies in the proposed General Plan that would contribute to lowering emissions, but that are difficult to quantify. Given the current uncertainty in quantifying the impacts of the measures, it is not possible to determine in this analysis if the proposed policies would reduce emissions sufficiently. Therefore, the proposed General Plan would result in a considerable contribution to the significant cumulative impact.

## **Air Quality**

The proposed General Plan would result in an increase in criteria pollutant emissions primarily due to related motor vehicle trips. Stationary sources and area sources would result in lesser quantities of criteria pollutant emissions. Stationary sources and diesel-fueled mobile sources would also generate emissions of TACs including diesel particulate matter that could pose a health risk. Future growth in accordance with the proposed General Plan would exceed the annual San Joaquin Air Pollution Control District (SJVAPCD) thresholds for PM<sub>10</sub>, as well as the threshold used for this analysis for PM<sub>2.5</sub>, and would therefore result in a cumulatively considerable net increase of criteria pollutants.

## **Noise**

Implementation of the proposed General Plan will result in higher traffic volumes, more industrial and commercial noise sources, and a larger population, all of which will contribute to the noise environment in Lodi. Future noise impacts related to traffic, railroads, and stationary sources would remain significant and unavoidable, given the uncertainty as to whether future noise impacts could be adequately mitigated for all the individual projects that will be implemented as part of the proposed General Plan.

## **STATEMENT OF OVERRIDING CONSIDERATIONS:**

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. CEQA requires the City Council to state in writing specific reasons for approving a project in a “statement of overriding considerations” if the EIR identifies significant impacts of the project that cannot feasibly be mitigated to below a level of significance. Pursuant to California Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the City Council adopts and makes the following Statement of Overriding Considerations regarding the remaining significant and unavoidable impacts of the proposed General Plan, as discussed above, and the anticipated benefits of the proposed General Plan.

The City finds and determines that the majority of the potentially significant impacts of the proposed General Plan will be reduced to less-than-significant levels by the mitigation measures recommended in the document. However, as set forth above, the City’s approval of the proposed General Plan will result in project and cumulative significant adverse environmental impacts related to Transportation Agricultural Resources, Climate Change and Greenhouse Gases, Air Quality and Noise that cannot be avoided even with the incorporation of all feasible mitigation measures into the proposed General Plan, and there

are no feasible Project alternatives which would mitigate or avoid the significant environmental impacts.

The proposed General Plan has unavoidable and significant adverse impacts as referenced previously,, however the benefits of the project outweigh the significant adverse impacts. The implementation of the proposed General Plan will mitigate to the greatest extent feasible impacts created. Every viable General Plan alternative, as well as the “no project” alternative, would have a significant and unavoidable environmental impact. There are no feasible mitigation measures have been identified that would reduce the impacts to a level that is less than significant. Mitigations, changes or alterations have been required in, or incorporated into, the proposed General Plan which avoids or substantially lessens the significant environmental effects identified in the FEIR.

In light of the environmental, social, economic, and other considerations set forth below related to this proposed General Plan, the City chooses to approve the proposed General Plan, because in its view, the economic, social, and other benefits resulting from the proposed General Plan will render the significant effects acceptable.

The following statement identifies the reasons why, in the City’s judgment, the benefits of the proposed General Plan outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the proposed General Plan can be found in the Findings, which are herein incorporated by reference, in the proposed General Plan itself, and in the record of proceedings. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the proposed General Plan outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

1. The proposed General Plan allows the City to plan for growth in an orderly manner to meet future land needs based on projected population and job growth.
2. The proposed General Plan allows the City to meet the City’s job/housing balance objective, the need for additional housing in the community, and State Law requirements.
3. The proposed General Plan promotes economic development of the community, maintains and improves the quality of life in the community, preserves and enhances environmental resources, and conserves the natural and built environment.
4. The proposed General Plant integrates economic development into the General Plan and underscores the City’s goals for fiscal health, a strong regional center, a vibrant Downtown, and retail strength.
5. The proposed General Plan protects and enhances community assets, including quiet communities with distinctive character, a strong sense of community, a diverse population, high quality building design, convenient shopping, broad choice in employment and entertainment, a family atmosphere with excellent recreational activities, and job opportunities close to where people live.

6. The proposed General Plan provides for the positive direction for the future physical development of the City, such as supporting mixed use development, transit supportive land uses and economic revitalization of underutilized sites to create more economic vitality in these commercial corridors.
7. The proposed General Plan enhances an efficient multi-modal transportation system and promotes a well-integrated and coordinated transit network and safe and convenient pedestrian and bicycle circulation.
8. The proposed General Plan serves a critical need to allow the City to plan for the equitable distribution of community facilities and services to meet the needs of all segments of the population and provide services for special needs that increase and enhance the community's quality of life while avoiding over-concentration in any one area.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED that the City Council hereby adopts the findings, statements of overriding considerations, and other determinations set forth in this resolution and based thereon certifies the Final Environmental Impact Report for the Lodi General Plan (State Clearinghouse No. 2009022075).

Dated: February 17, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010 by the following vote:

AYES: COUNCIL MEMBERS –  
 NOES: COUNCIL MEMBERS –  
 ABSENT: COUNCIL MEMBERS –  
 ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
 City Clerk

2010-\_\_\_\_\_



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** PUBLIC HEARING TO CONSIDER CERTIFICATION OF FINAL  
ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF THE  
GENERAL PLAN

**PUBLISH DATE:** SATURDAY, FEBRUARY 6, 2010

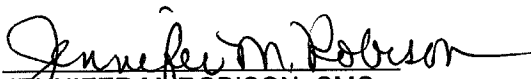
**LEGAL AD**

**TEAR SHEETS WANTED:** One (1) please

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, FEBRUARY 4, 2010

**ORDERED BY:** RANDI JOHL  
CITY CLERK

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ MB \_\_\_\_\_ JMR (Initials)



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF THE GENERAL PLAN**

On Friday, February 5, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider certification of Final Environmental Impact Report and adoption of the General Plan (attached and marked as Exhibit A) was posted at the following locations:

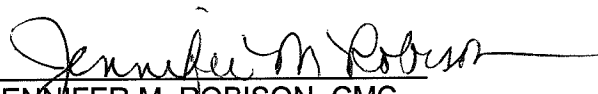
Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF THE GENERAL PLAN**

On Friday, February 5, 2010, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider certification of Final Environmental Impact Report and adoption of the General Plan, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK, CITY OF LODI**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA BECERRA  
ADMINISTRATIVE CLERK



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: February 17, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

**Randi Johl**  
City Clerk

Telephone: (209) 333-6702

**EXHIBIT A**

### NOTICE OF PUBLIC HEARING

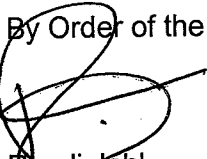
**NOTICE IS HEREBY GIVEN** that on **Wednesday, February 17, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Certification of Final Environmental Impact Report and adoption of the General Plan.**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

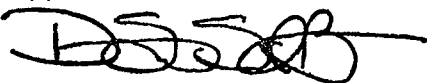
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

  
Randi Johl  
City Clerk

Dated: February 3, 2010

Approved as to form:



D. Stephen Schwabauer  
City Attorney

## General Plan Update – mailing list

**EXHIBIT B**

	Company	FirstName	LastName	Address1	City	State	Postal Code
1.	J. Manassero			2171 E. Armstrong Rd.	Lodi	CA	95242
2.		Denis	Silber	1050 Port Chelsea Cr.	Lodi	CA	95240
3.	Calif. Valley Miwok Tribe	Silvia	Burley, Chairperson	10601 Escondido Place	Stockton	CA	95212
4.	Ione Band of Miwok Indians	Matthew	Franklin, Chairperson	P.O. Box 1190	Ione	CA	95640
5.	North Valley Yokuts Tribe	Katherine Erolinda	Perez	P.O. Box 717	Linden	CA	95236
6.	Southern Sierra Miwuk Nation	Anthony	Brochini, Chairperson	P.O. Box 1200	Mariposa	CA	95338
7.	Wilton Rancheria	Mary	Daniels- Tarango, Chairperson	7916 Farnell Way	Sacramento	CA	95823
8.	Brookfield Homes	Douglas	Brewer	500 La Gonda Way, Suite 100	Danville	CA	94526



## Kari Chadwick - sent via e-Notification

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Distribution List Name: Planning Commission Agendas

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## Kari Chadwick - sent via e-Notification

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## Kari Chadwick - Sent via e-Notification

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**Distribution List Name:** Greenbelt Task Force Agenda

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## Kari Chadwick - sent via e-Notification

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**Kari Chadwick** - sent via e-Notification

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Kari Chadwick - sent via e-Notification

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Mitchell Slater  
Reyes Jaramillo  
Roger Stafford

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ray\_pridelands@yahoo.com  
staf4ds@comcast.net



TM

## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Monthly Protocol Account Report

**MEETING DATE:** February 17, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** None required, information only.

**BACKGROUND INFORMATION:** The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through January 31, 2010.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** See attached.

---

Randi Johl  
City Clerk

RJ/JMR

Attachment

---

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

## Cumulative Report through January 31, 2010

Prepared by: JMR





## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Receive Report On Drinking Water Chlorination

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** Receive report on drinking water chlorination.

**BACKGROUND INFORMATION:** The Public Works Department is bringing this matter to the City Council to highlight regulatory and operational changes in the water utility. Although no City Council action is sought, this item is intended to inform the public of these changes.

Lodi has a long history of providing groundwater free of chlorination to the public. For the last two years, however, the Public Works Department has added small amounts of chlorine to the City's drinking water supply at a handful of well sites to minimize bacteria detections and meet state drinking water standards.

In late November, a sample tested positive for bacteria. Further sampling was negative, and no additional action was needed. Public Works staff noted, however, that no residual chlorine had been detected in the City's water supply since August, despite its application at five to six well sites. This lack of residual chlorine may have allowed the bacteria to survive in the water system.

Although health regulators are not requiring the City to regularly chlorinate the water supply, this positive bacteria test in November coincided with the onset of a new federal groundwater regulation. Beginning December 1, 2009, a positive bacteria test in the water supply requires additional tests from all 26 of the City's wells within 24 hours, according to the U.S. Environmental Protection Agency's Ground Water Rule. Previously, only the immediate upstream and downstream sampling points required testing, in addition to the original sampling site.

As a result of the new regulation and recent sample results, Public Works is increasing the amount of chlorine to the system and the number of wells where the treatment is being applied. This new regulation places an operational and cost burden on the water utility that reduces the benefit of trying to operate without chlorination. Adding low levels of chlorine to the drinking water is a cost-effective way to limit the amount of follow-up testing that would otherwise be required when samples test positive for bacteria. The amount of additional chlorine is the minimum needed to keep the water system bacteria-free.

**FISCAL IMPACT:** It costs a minimum of \$950 to test all of the City's wells within 24 hours, requiring 18 staff hours. This assumes staff availability and no overtime.

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Wally Sandelin  
Public Works Director

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APPROVED: \_\_\_\_\_  
Blair King, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Consideration of the following actions regarding the California High-Speed and Regional Rail Program:

- a) Direct staff to prepare a letter confirming the City's desire to have the Union Pacific corridor alignment considered through Lodi.
- b) Authorize the Mayor to send a letter supporting Merced County's request for the High-Speed Rail Heavy Maintenance Facility at the former Castle Air Force Base.

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** Consideration of the following actions regarding the California High-Speed and Regional Rail Program:

- a) Direct staff to prepare a letter confirming the City's desire to have the Union Pacific corridor alignment considered through Lodi.
- b) Authorize the Mayor to send a letter supporting Merced County's request for the High-Speed Rail Heavy Maintenance Facility at the former Castle Air Force Base.

**BACKGROUND INFORMATION:** The City Council received a presentation at your shirtsleeve meeting on February 9th regarding the status of the California High-Speed Rail program and the various alignments being considered in the Lodi vicinity. The environmental review process for the Merced to Sacramento segment has begun and a fundamental question about Lodi's preference for the alignment has been asked. In the current document, the alignment bypasses Lodi by sweeping from the Union Pacific corridor to the Central California Traction Line north and south of the City. The result of this alignment most likely would affect Lodi's ability to attain regional/commuter service.

The benefits and negatives to having the high speed alignment through Lodi were discussed. Based on the meetings that have occurred and the presentation by Mr. Schmidt from the San Joaquin Regional Rail Commission, staff believes that it is Lodi's best interest to confirm an alignment that has the ability to utilize the Downtown Multi-Modal station at some time in the future. We feel this provides the best opportunity for possibility to be connected to a regional rail system that could ultimately connect Lodi to Sacramento and points south.

The second action that we are requesting involves the request from Merced County for support in having the Heavy Maintenance Facility for the High-Speed Rail to be located at the former Castle Air Force Base. As noted in the letter attached, the facility has the potential to employ several thousand in direct and indirect jobs. This is a facility that benefits the Merced to

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

Sacramento segment by placing a required facility within the region. There are no alternative locations proposed that are closer to Lodi.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** N/A

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Konradt Bartlam  
Community Development Director

Attachments:

High-Speed Rail informational handout  
Letter from Merced County dated February 3, 2010





**FLY CALIFORNIA**  
*Without ever leaving the ground.*

## WHAT IS THE HIGH-SPEED TRAIN?

**T**he California High-Speed Rail Authority (CHSRA) is proposing high-speed train service for travel between Los Angeles and San Diego in the south to the San Francisco Bay Area and Sacramento in the north. This fast, safe, reliable system will travel at speeds in excess of 200 miles per hour and is forecast to carry up to 41 million passengers annually for the entire 800-mile high-speed train network by the year 2035.

### **MERCED TO SACRAMENTO HIGH-SPEED TRAIN PROJECT**

The Merced-to-Sacramento section of the High-Speed Train (HST) system includes the City of Sacramento south to the City of Merced. Proposed route alternatives generally follow the Burlington Northern Santa Fe (BNSF), the Central California Traction (CCT) or the Union Pacific (UP) railroads throughout the section. HST stations are proposed in Sacramento, Stockton, Modesto, and Merced. (See detailed map inside.)



# CALIFORNIA HIGH-SPEED TRAIN SYSTEM



## IMPLEMENTATION AND CONSTRUCTION TIMELINE

PROGRAM - EIR/EIS

PROJECT ENVIRONMENTAL ANALYSIS & P

2004

2005

2006

2007

2008

2009

2010

2011

2012



# ENVIRONMENTAL PROCESS

California High-Speed Rail Authority (CHSRA) and the Federal Railroad Administration (FRA) initiated the project-level environmental review process for the high-speed train project between Merced and Sacramento.

In accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the Authority has issued a Notice of Preparation (NOP), and the FRA published a Notice of Intent (NOI) for the preparation of a Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS). As part of the initial phase of the environmental process, public scoping meetings will be hosted to receive public comment on the alternatives and issues that should be examined as part of the environmental analysis. Your comments will be considered in the preparation of the environmental document and will become part of the public record.



## WHAT IS SCOPING?

Scoping is the first opportunity to become involved in the Merced-to-Sacramento HST project-level Environmental Impact Report/Environmental Impact Statement (EIR/EIS). During the scoping process the public, as well as city, county, state, and federal agencies have an opportunity to provide comments on project alternatives and environmental impacts to be evaluated in the EIR/EIS. The purpose of the scoping process is to:

- identify public and agency concerns early in the environmental process
- receive input on alternatives and issues that will be examined in the Draft EIR
- save time in the overall process and facilitate an efficient EIR/EIS preparation process





# COME PARTICIPATE IN THE MERCED TO SACRAMENTO HIGH-SPEED TRAIN PROJECT!

*The California High-Speed Rail Authority will host public scoping meetings along the project section to provide the public with an opportunity to learn about the project, ask questions and provide feedback about what project alternatives and environmental issues should be evaluated in the EIR/EIS. Please join us for one of the following Open House sessions:*

## STOCKTON

January 20, 2010

3:00 - 7:00 pm

San Joaquin Council of Governments  
555 E. Weber Avenue, Stockton, CA

## MERCED

January 21, 2010

3:00 - 7:00 pm

Merced Senior Center  
755 W. 15th Street, Merced, CA

## SACRAMENTO

January 27, 2010

3:00 - 7:00 pm

Amtrak Depot, Model Room  
301 I Street, Sacramento, CA

## MODESTO

January 28, 2010

3:00 - 7:00 pm

Modesto Center Plaza  
1000 L Street, Modesto, CA

## COMMENTS

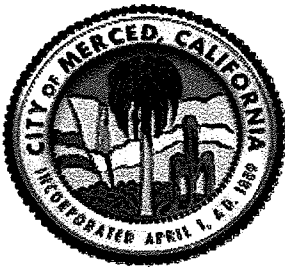
*Public scoping comments regarding the Merced-to-Sacramento HST project will be accepted until Wednesday, February 26, 2010. Please send comments to Dan Leavitt, Deputy Director, Merced-to-Sacramento, California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814. Comments can also be submitted via email to [comments@hsr.ca.gov](mailto:comments@hsr.ca.gov) with the subject line "Merced to Sacramento HST."*



## CALIFORNIA HIGH-SPEED TRAIN PROJECT WILL:

- Be built on dedicated right-of-way, safely separated from cars and trucks, pedestrians and other rail traffic
- Use only a fraction of the energy of automobiles and airplanes
- Help free California from dependence on fossil fuels and reduce greenhouse gases that cause global warming.
- Reduce traffic – the statewide system will remove over 50 million auto trips per year
- An additional 600,000 jobs are expected to be created as a result of the economic growth the train system will bring to California
- Improve the environment – the energy efficient, high-speed trains will provide a transportation alternative that will help reduce air pollution.
- Provide better connections – provides a safer, time and cost efficient alternative to automobiles and will help relieve overcrowding at major airports

**For more information visit [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)**



February 3, 2010

RECEIVED

FEB 8 2010

Honorable Phil Katzakian  
Mayor, City of Lodi  
305 W Pine Street  
Lodi, CA 95240

City Clerk  
City of Lodi

SUBJECT: High Speed Rail

Dear Mayor Katzakian,

The Greater Merced High Speed Rail Committee has filed an Expression of Interest to the California High Speed Rail Authority to locate the Heavy Maintenance Facility (HMF) in Merced County. The Greater Merced High Speed Rail Committee selected two sites to submit to the California High Speed Rail Committee in order to be more competitive depending upon the rail alignment selected for the High Speed Rail line. The preferred site is the former Castle Air Force Base located on the Burlington Northern Santa Fe line. The proposed locations are the most northern sites presented to the Authority to locate their Heavy Maintenance Facility. The location of both Merced County sites will allow your citizens easy access to new well paying jobs that will benefit the entire northern San Joaquin Valley communities reduce our unemployment. The Heavy Maintenance Facility will employ 1,500 with the potential of another 3,000 indirect jobs being generated by firms interested in supplying the HMF with parts and services they will not have on site.

Besides benefiting our northern San Joaquin Valley region with additional jobs and opportunities for manufacturers, a HMF located in Merced County would also increase the likelihood that the Merced to Sacramento segment of the California High Speed Rail would be constructed in addition to funding provided for improvements to connecting commuter services.

We ask for your support in the form of a letter or resolution that will promote Merced County as the best location for placing a High Speed Rail HMF.

In addition, last week the Obama Administration announced that California is going to receive \$2,349,400,000 of the \$8 billion in stimulus funding for high-speed train development under the American Recovery and Reinvestment Act (ARRA). This is only half of the amount requested by the California High Speed Rail representatives which means some of the segments of high speed rail lines may not be built at this time, possibly leaving the Merced to Sacramento segment to be built years later. We believe it's important that we all communicate to the California High Speed Rail Authority that these ARRA funds be used to build track for the segment north of Fresno. Your efforts can make a difference.

Respectfully,

  
Bill Spriggs  
Mayor, City of Merced

John Pedrozo  
Supervisor, County of Merced

Cc: City Council, City of Lodi





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Setting the City of Lodi Electric Utility's Energy Efficiency Program 10-Year Target (EUD)

**MEETING DATE:** February 17, 2010

**PREPARED BY:** Interim Electric Utility Director

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**RECOMMENDED ACTION:** Adopt a resolution setting the City of Lodi Electric Utility's energy efficiency program 10-year target.

**BACKGROUND INFORMATION:** State law requires publicly owned electric utilities, every three years, to identify all potentially achievable cost effective electricity efficiency savings and to set targets for energy efficiency over the following 10 years. This information is used by the California Energy Commission (CEC), which is required to make a statewide energy efficiency target, consulting with the publicly owned utilities, the investor-owned utilities, and the California Public Utilities Commission.

The Northern California Power Agency (NCPA) and Southern California Public Power Authority (SCPPA) retained Summit Blue Consulting to develop a computer model and conduct analytical work to assist member utilities to develop their energy efficiency targets. The individual targets developed by the utilities will be collected by NCPA/SCPPA and submitted to the CEC. On the basis of analysis using the Summit Blue model, staff recommends that the City of Lodi's energy efficiency program target for the next 10 years (2011 to 2020) be 25,575 megawatt-hours (MWh) of electricity; i.e., the accumulation of efficiency measures implemented over the next 10 years would reduce on-going energy usage afterward by 25,575 MWh per year.

**FISCAL IMPACT:** Approximately \$775,000 will be needed in the 2011/2012 fiscal year and subsequent years to meet the target. These funds, comparable to current expenditures on these programs, are collected and allocated annually from the Lodi Public Benefits Program under the category of demand-side management and administrative program support.

**FUNDING:** Lodi Public Benefits Program Fund

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Jordan Ayers  
Deputy City Manager/Internal Services Director

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Kenneth A. Weisel  
Interim Electric Utility Director

**Prepared By:** Rob Lechner, Manager, Customer Service and Programs  
KAW/RSL/lst

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
ADOPTING THE CITY OF LODI ELECTRIC UTILITY'S  
ENERGY EFFICIENCY PROGRAM TARGETS

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WHEREAS, California Assembly Bill 2021 (Section 25310 of the Public Resources Code) requires all publicly owned electric utilities to identify all potentially achievable cost effective electricity efficiency savings and establish a target for energy efficiency savings for the next ten-year period,

WHEREAS, the Lodi Electric Utility is required to adopt those targets by June 2010 and to report adopted targets to the California Energy Commission,

WHEREAS, the Northern California Power Agency contracted with Summit Blue Consulting, an independent organization with well accepted energy efficiency expertise, to provide a modeling tool to help member utilities identify energy savings potential and establish energy efficiency program targets, and

WHEREAS, the City of Lodi Electric Utility used the modeling tool and finds an energy efficiency target of 25,575 megawatt-hours to be achievable for this ten-year period.

NOW, THEREFORE BE IT RESOLVED, that the Lodi City Council adopts the City of Lodi Electric Utility's energy efficiency program target of 25,575 megawatt-hours for energy savings for the period 2011 to 2020.

Dated: February 17, 2010

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I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 17, 2010, by the following Vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL  
City Clerk

2010-\_\_\_\_\_